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# REPORT

OF THE

EIGHTEENTH ANNUAL

✓ LAKE MOHONK CONFERENCE

ON

# INTERNATIONAL ARBITRATION

MAY 15th, 16th AND 17th

1912

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PUBLISHED BY THE  
LAKE MOHONK CONFERENCE ON INTERNATIONAL ARBITRATION

1912

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## PREFACE

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The Lake Mohonk Conference on International Arbitration was founded in 1895 for the purpose of creating and directing public sentiment in favor of international arbitration, arbitration treaties and an international court. To this end it works through annual and representative assemblies, the members of each being entertained by Mr. Albert K. Smiley at his summer home at Mohonk Lake, about one hundred miles from New York City. In addition, Mr. Smiley and his brother, Mr. Daniel Smiley, maintain a permanent office in charge of the secretary, through which the annual conferences are arranged and a continuous correspondence conducted.

The Conference is greatly aided, not only by those who attend its sessions, but also by the official co-operation of about 175 leading Chambers of Commerce and like bodies throughout the United States and Canada and of a large and widely scattered body of "Correspondents."

The Eighteenth Annual Conference was held in the parlor of the Lake Mohonk Mountain House, May 15, 16 and 17, 1912, with nearly three hundred members in attendance. Six sessions were held, the proceedings of which—consisting of discussions of the present status of international arbitration, of an international court, of the education of public opinion, and of other allied subjects—are given, nearly in full, in this report. The attitude of the Conference on various questions discussed is shown by the Platform and Supplementary Resolutions (p. 8).

The management of the Conference, while providing opportunity for free discussion of matters not foreign to the purpose of the meeting, assumes no responsibility for individual opinions printed herein.

One copy of this report is sent to each member or official correspondent of the Conference, and several thousand copies are mailed to individuals in public and private life, to libraries and to other institutions. Distribution of reports is gratuitous to the limit of the edition, and libraries and public institutions can obtain back numbers without charge except for transportation. Applications for reports, and other correspondence, should be addressed to the Secretary of the Conference.

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# PLATFORM

OF THE

## EIGHTEENTH ANNUAL LAKE MOHONK CONFERENCE ON INTERNATIONAL ARBITRATION, 1912

(The platform is the official utterance of the Conference and embodies only those principles on which the members unanimously agreed.—Ed.)

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The Eighteenth Annual Lake Mohonk Conference on International Arbitration expresses its profound gratitude to the President of the United States for his illustrious service for the cause of international peace in the effort for the arbitration treaties\* with Great Britain and France. We believe that the President, in this memorable effort, represented the great popular sentiment of the American people; and, deploring the defeat for the moment of his high purpose, we call upon the people for unremitting endeavor to secure the early conclusion of treaties of equal or broader scope with the great nations of the world.

It is preeminently the duty of the United States to maintain strong leadership in this commanding cause. We gratefully remember the initiative of its government for the second Hague Conference and for the establishment of the Court of Arbitral Justice; we record with satisfaction the recent ratification by the Senate of the United States of the Declaration of London which makes it possible to establish the International Prize Court, the Convention for which was previously ratified by the United States Senate; and on the eve of the creation of the committee† to prepare the program for the third Hague Conference, we urge such broad and advanced American action as shall contribute to secure the most efficient basis of organization and procedure for this and future conferences, the adoption of a general arbitration treaty, the marked development of the

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\* For text of treaties, see Appendix C.—Ed.

† “\* \* \* the (second Hague) conference considers that it would be very desirable that, some two years before the probable date of the (third) meeting, a preparatory committee should be charged by the governments with the task of collecting the various proposals to be submitted to the conference, of ascertaining what subjects are ripe for embodiment in an international regulation, and of preparing a programme which the governments should decide upon in sufficient time to enable it to be carefully examined by the countries interested. This committee should further be intrusted with the task of proposing a system of organization and procedure for the conference itself.”—From Acts of Second Hague Conference, 1907.



international court, and united action for the limitation of armaments, the decrease of which should correspond to the steady increase of the instrumentalities for the legal and peaceful settlement of disputes.

We emphasize anew the need of earnest efforts everywhere for such a public opinion as shall compel the powers party to the Hague Conventions to respect the same in letter and spirit and to resort to no hostilities until all possible means of peaceful settlement are exhausted.

The Lake Mohonk Conference, which has given to business men so prominent a place in its activities, views with peculiar satisfaction the fact that the International Congress of Chambers of Commerce,† which has always conspicuously recognized the cause of arbitration, has given it the first place on the program of its coming session in this country. At a time when commercial interests are recognizing as never before that the system of war and growing armaments violates the first principles of economy and good business, we welcome this great Congress as an occasion of the largest promise for international advance.

The presence at this conference of representatives of so many countries, and especially of the general secretaries of the two chief international agencies of the peace movement, the Interparliamentary Union and the International Peace Bureau, are inspiring evidences of the broadening co-operation of the world's peace workers. We greet with satisfaction the multiplying interchanges of teachers and students and every movement that brings the peoples closer together. International work must be internationally done; and only pervasive and persistent education can create the international mind which is the only sure defence from the dangers always liable to arise from false patriotism and selfish political ambitions. To this high work of education, we urge increased devotion from every agency which shapes public opinion.

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† See address of Samuel B. Capen, fifth session.—Ed.

## SUPPLEMENTARY RESOLUTIONS ADOPTED BY THE CONFERENCE

### RESOLUTION RECOMMENDED BY BUSINESS MEN

(Note.—The official delegates from forty-seven business organizations, and other business men present at the conference, held a special meeting at which they prepared the following resolution, which was presented on the floor of the conference by their spokesman and unanimously adopted. See proceedings of fifth session.—Ed.)

**RESOLVED:** That the Lake Mohonk Conference on International Arbitration, realizing the vast influence of commercial interests upon the governments of the civilized world, urges upon the representatives of these interests throughout all countries to be continuously active in shaping public opinion so as to make it more difficult to attempt to settle international disputes by war; and also, when disputes may approach an acute stage, to bring every possible influence to bear upon governments to induce them to submit such differences to arbitration.

**RESOLVED:** That the secretary of the conference be instructed to forward copies of this resolution to such business organizations in America and Europe as, in his judgment, may co-operate to accomplish the end desired.

### RESOLUTION CONCERNING ARBITRATION OF INTERNATIONAL COMMERCIAL DIFFERENCES

(Note.—The following resolution was unanimously adopted by the conference.)

**RESOLVED:** That this conference has viewed with satisfaction the growing desire of the commercial interests to have all serious differences in international business decided by a Court of Arbitral Justice or by the Hague Tribunal. We commend to all commercial bodies and to the International Congress of Chambers of Commerce to be held in Boston next September, the further consideration of this important question.



# THE EIGHTEENTH ANNUAL LAKE MOHONK CONFERENCE ON INTERNATIONAL ARBITRATION

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## First Session

Wednesday Morning, May 15, 1912

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The Eighteenth Annual Lake Mohonk Conference on International Arbitration met in the parlor of the Lake Mohonk House, Mohonk Lake, N. Y., on the 15th of May, 1912, at 9:45 A. M. Nearly three hundred persons were present as the personal guests of Mr. Albert K. Smiley, who, in welcoming them, said:

### SOME EVENTS OF THE PAST YEAR

#### OPENING REMARKS OF MR. ALBERT K. SMILEY

At seventeen preceding conferences I have expressed the great pleasure it has given me to welcome here a distinguished body of men and women interested in the promotion of international arbitration. That pleasure was never greater than I feel to-day. Indeed, I am immensely gratified that so many leaders of American and European thought are in this audience, for I know that events since the last Conference have caused disappointment and even discouragement to many persons interested in the international peace movement. Your presence to-day shows that that feeling is not sufficiently widespread to more than temporarily delay progress.

Of course, the one event that stands out in the public mind is the action of the Senate on the arbitration treaties with Great Britain and France.\* To be sure the treaties were ratified, and as ratified are perhaps an advance over the existing treaties with the same countries. But most of us, I think, had hoped that the provision which, irrespective of public emotion, would guarantee the arbitration of every question susceptible of that means of settlement would be retained in the treaties. That clause—the last one of Article III—was lost, forty-two to forty—a very close vote. Whatever of personal ambition or of political influence may have entered into that result is a matter of conjecture. We may, however, infer that if the Senate reflects public opinion, about half the people of the United States are not yet ready to make arbitration treaties of so wide a scope. The action of the

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\* For text of treaties and amendments, see Appendix C.—Ed.

Senate was not hurried. The peace forces had time to act and I believe all did their best to support the treaties. In the Senate itself plenty of time was allowed for both sides to be heard.

The management of this Conference was heartily in favor of the treaties. Its office conducted a vigorous campaign, lasting three months, to interest business men and business organizations in their support. We were deeply disappointed at the outcome, but we can only interpret it to mean that there is yet a great work to be done in this country in the education of public sentiment. This brings home the need of unity of purpose and action among the various peace agencies.

Fortunately such unity seems nearer at hand than ever before. The National Council for Arbitration and Peace, proposed at this Conference three years ago and last year given definite form except for the assent of the Executive Committee of the American Peace Congress, has, since that time, through the consent of that Committee, come into existence. Meanwhile the American Peace Society has been increasing its efficiency, and last week launched a plan of reorganization which is expected to make it widely representative of the State and local peace societies and to constitute it in reality one part of the organization advocated here last year by the Committee on the National Council through its chairman, Dr. Kirchwey. The National Council for Arbitration and Peace, to serve as a clearing house not only for the peace societies thus united but also for those independent agencies that cannot be likewise federated, is, as I have said, ready to organize and begin work unless it may seem wise to defer this step for a short time to give the American Peace Society an opportunity to test its reorganization and in order to demonstrate the extent of the work that will be left for the National Council to perform. Details will be brought out by others. I mention the subject because I am gratified that machinery seems at last within reach to bring about a real unity of purpose and of effort among the peace and arbitration agencies of the United States.

But we must not allow our disappointment in the case of the treaties to overshadow actual progress during the past year. The Hague Court has at present pending a war claims case between Russia and Turkey and a pecuniary claims case between Italy and Peru, and it is reported that France and Italy have submitted to the Court the question arising from the seizure of French ships during the present war between Italy and Turkey. In the Alsop claims case between this country and Chile, the King of England has awarded damages of nearly a million dollars against Chile. An award has been given in the Walfisch Bay arbitration between Germany and Great Britain. The Chief Justice of the United States Supreme Court is arbitrator in a complicated boundary dispute between Costa Rica and Panama,



while a large number of troublesome questions between different countries are pending before special tribunals. These include the Clipperton Island dispute between France and Mexico, a question of the rights of nomadic Laplanders between Norway and Sweden, a boundary dispute between Colombia and Peru, and a question of private claims between Colombia and Italy. The United States and Great Britain are making steady progress in the settlement of their outstanding pecuniary claims. An important arbitration between the United States and Mexico—the Chamizal case—was tried last summer, but the decision was not wholly acceptable to either party, and the matter will probably come up again. This illustrates the need, often voiced in this Conference and now generally recognized, for an international court of such character that the great majority of differences will naturally flow to it instead of to special tribunals where an element of compromise is liable to creep in, causing delay and dissatisfaction. We should keep our eyes clearly on the necessity for such a court and should consistently urge every proper effort toward its establishment.

Not the least hopeful event was the outcome last fall of the Morocco incident. When great nations like Germany and France, in a crisis such as that question provoked, bring themselves to a peaceful and honorable settlement, surely there is evidence of substantial advance in international conciliation and good will. After sending the Casa Blanca dispute to The Hague, France and Germany have now set the world another good example.

Many other events of the year might be mentioned, such as the signing of half a dozen new treaties of arbitration, the general and growing interest in the approaching celebration of the centenary of peace between Great Britain and the United States, the establishment of societies for promoting friendly relations between this country and Japan (which nation, by the way, deserves great credit for modifying her treaty with Great Britain to permit Great Britain to negotiate an arbitration treaty with the United States), the holding of the fourth Central American Peace Conference, the visits to this country of distinguished public delegations from other nations, a representative of one of which—from France—we are happy to have at this conference, and the extension of the work of the Carnegie Endowment for International Peace. I merely wish to point out that in spite of temporary setbacks progress is steady, indications are hopeful, and even treaties of the kind we desire are sure to come. (Applause.)

The gentleman we have selected as presiding officer of this Conference needs no introduction. For several years he has filled that office and each time has given a notable address. His fame as an educator is international, his position as a practical

promoter of international peace is assured, and he has the great opportunity and honor of directing the Division of Intercourse and Education of the Carnegie Endowment for International Peace. It gives me very great pleasure to present as Chairman of the Conference, President NICHOLAS MURRAY BUTLER of Columbia University. (Applause.)

## THE INTERNATIONAL MIND

OPENING ADDRESS OF PRESIDENT NICHOLAS MURRAY BUTLER.

At the time of our gathering one year ago it was natural and almost inevitable that a note of congratulation and happy augury should be sounded. All the signs both at home and abroad seemed propitious, and those who had labored so long and so earnestly to promote the cause of international justice and international peace could reasonably feel that substantial progress toward the goal of their hopes had been made. To-day we meet in a somewhat different atmosphere. Many of us find ourselves troubled by doubts and harassed by disappointment. Within sixty days after the Conference of 1911 had risen, two of the greatest, most powerful, and most enlightened nations known to history were widely believed to be on the verge of armed conflict about something which nobody was able to understand or to explain. The newspaper press of the world was filled with the most terrifying alarms. Charges and countercharges, suspicions and countersuspicions, were heralded all round the globe and the hearts of the lovers of peace with justice sank within them. All at once modern civilization seemed bankrupt, and the western world suddenly appeared as if approaching a cataclysm. Nevertheless, the oft-predicted contest did not take place. Strong, brave, enlightened men were at the helm of state and they conducted their grave business with so much discretion, with so much tact, and with so much genuine statesmanship that the threatened danger was averted. Let us sincerely hope that it was averted forever.

It would be a pleasant task to tell in this company, if it were permissible, the detailed story of last summer's fateful work for war, and of what may well prove to have been last summer's epoch-making work for peace.

It is easy to run with the crowd and to follow the example of that French revolutionary who, hearing the noise and the roar of the street, cried out "There go the people; I must follow them, for I am their leader." But to stand with patience and self-control in a post of high responsibility when a strong current of public opinion goes sweeping by, careless of consequences and unrestrained in its expression of feeling, is the mark of a real man. This Conference should hold in everlasting honor the German Emperor and the responsible statesmen of France, Ger-



many and Great Britain, who solved the difficulties and allayed the dangers of the summer of 1911 without permitting the precipitation of a colossal and devastating war. The Nobel Prize might appropriately be awarded to some one of those who then kept the doors of the Temple of Janus shut when mighty pressure was exerted to force them open.

The world is not likely to know until many years have passed and until the chief participants in the international business of last summer are dead and gone, just how grave the crisis was, just how trivial and how sordid were the causes that led to that crisis, and just how bravely and how honorably that crisis was met and averted by responsible statesmen. (Applause.)

The consideration by the Senate of the United States of the projected treaties of general arbitration with Great Britain and with France came to a rather lame and impotent conclusion. The debate, fortunately conducted in open session, revealed that few members of the Senate have any real grasp of our international relations or any genuine appreciation of our international responsibilities. It is fair to say that a very large majority of the Senate approached the consideration of these treaties with entire good will and with favorable mind. They appeared, however, to be so little accustomed to the study of international business and to reflecting upon the relation of treaties like these to the movement of the best opinion throughout the world, that many of them were easily led to give weight to obstacles and difficulties that were either irrelevant or wholly unimportant. As was to be expected, while the treaties were under discussion the boisterous elements of our population, those that love to talk of war and to threaten it as well as to decry peace and to poke fun at it, were heard from under not incompetent leadership. (Laughter.)

A yet more unhappy and discouraging event was the breaking out of armed hostilities between Italy and Turkey, two powers signatory to The Hague Conventions of 1899, without any recourse being had to the provisions of those conventions which would, it may with certainty be said, have made a subsequent resort to arms either impossible or ridiculous.

These events of the past year serve to illustrate once more the real difficulties which confront us, and to set the problem of obtaining peace through justice in a yet clearer light. We must learn to bring to the consideration of public business in its international aspects what I may call the international mind, and the international mind is still rarely to be found in high places. That the international mind is not inconsistent with sincere and devoted patriotism is clearly shown by the history of the great Liberal statesmen of the nineteenth century who had to deal with the making of Europe as we know it. If Lord Palmerston had the international mind not at all, surely Mr. Gladstone had it in



high degree. The late Marquis of Salisbury, whom no one ever accused of lacking devotion to national policies and purposes, had it also, although a Tory of the Tories. Cavour certainly had it, as did Thiers. Lord Morley has it, and so has his colleague Lord Haldane. The late Senator Hoar had it when on a somewhat important occasion he expressed the hope that he should never so act as to place his country's interests above his country's honor. It was the possession of this international mind that gave to the brilliant administrations of Secretary Hay and Secretary Root their distinction and their success. The lack of it has marked other administrations of foreign affairs, both in the United States and in European countries, either with failure or with continuing and strident friction.

What is this international mind, and how are we to seek for it and to gain it as a possession of our own and of our country? The international mind is nothing else than that habit of thinking of foreign relations and business, and that habit of dealing with them, which regard the several nations of the civilized world as friendly and co-operating equals in aiding the progress of civilization, in developing commerce and industry, and in spreading enlightenment and culture throughout the world. It is as inconsistent with the international mind to attempt to steal some other nation's territory as it would be inconsistent with the principles of ordinary morality to attempt to steal some other individual's purse. Magnitude does not justify us in dispensing with morals.

When Secretary Hay said that American diplomacy had but two controlling maxims, the golden rule and the open door, he spoke with an international mind. The policy of swagger, that of swinging sticks either big or little, and that of threatening to double or treble the military armaments and preparations of some other nation, are not compatible with the possession of an international mind. We are still a long way from the millennium, no doubt, and the lion and the lamb are not yet likely to lie down side by side with entire restraint of appetite on the part of the lion or with entire assurance on the part of the lamb. Nevertheless, we might as well be making progress, or trying to make it, and not allow ourselves to sit forever helpless under the blighting domination of the brute instincts of mankind, with all their unscrupulousness, their fierce cruelty and their passionate clamor.

In striving to gain the international mind, it is necessary first of all to learn to measure other peoples and other civilizations than ours from their own point of view and by their own standards rather than by our own. Human knowledge has not yet been able to master and to explain the meaning of the profound differences of race or those extraordinary traits which, when grouped together, appear to constitute national character. What



we do know is that there is plainly place in the world for numerous races, for many nationalities, and, therefore, for different points of view and for different angles of reflection. The really vital question is whether the time has yet come, and if not what can we do to hasten its coming, when races and nationalities are able to cease preying upon and oppressing one another, and to live together as fellow sharers in a world's civilization? In other words, the vital question is how far the fundamental principles of morality that as individuals we so ardently profess, have really taken hold of us in our corporate capacity. There are still current, and apparently popular, many phrases and political cries which indicate that we have no very profound faith in the dominance of moral principle, and no very clear ethical conviction as to our own national duty. Here in the United States it is the easiest thing possible for some public man or some newspaper to arouse suspicion and ill-feeling against Japan, against Mexico, against England, or against Germany by inventing a few facts and then adequately emphasizing them. In not a few of the unpleasant international discussions of the past few years, the people of the United States have been the chief offenders. We are given to looking with far too much leniency upon a braggadocio and a bravado which ape true courage and genuine patriotism, as well as upon those wearisome platitudes which are a convenient refuge for those who refuse to learn to think.

It is astonishing how even men of the highest intelligence and the largest responsibility will be swept off their feet in regard to international matters at some moment of strong national feeling, or on the occasion of some incident which appeals powerfully to the sentiments or to the passions of the people. At the very moment when the nation most needs the guidance of its sober-minded leaders of opinion, that guidance is likely to be found wanting.

Mr. Charles Francis Adams in a paper on the Trent Affair which he read before the Massachusetts Historical Society in November last, has given a very illuminating example of happenings of this kind. In that paper Mr. Adams has made both a valuable addition to our historical knowledge, and also an acute and penetrating study of the psychology of international politics. He points out that probably at no time in the earlier history of the United States had the American people been so completely carried away by feeling, losing for the moment possession of their senses, as during the weeks which immediately followed the seizure of Mason and Slidell. Not only were the people swept off their feet, but men of light and leading, jurists, constitutional lawyers and men of state joined in a violent and passionate cry which time and reflection have shown to be absolutely without justification. The situation in England was quite as serious.

John Bright in writing at the time to Charles Sumner on this subject, spoke of the sensation which had been caused in Great Britain by taking the southern commissioners from an English ship, and added that "the ignorant and passionate and 'Rule Britannia' class are angry and insolent as usual." One who wishes to know how difficult it is to acquire the international mind and to sustain it in the presence of a great wave of national feeling, has only to read this important paper by Mr. Adams. He will then see how true it is, as Chancellor von Bethmann-Hollweg said to the Reichstag a few days ago, that wars are not planned and brought about in these days by governments, but noisy and fanatical minorities drive nations into wars.

We Americans need the international mind as much as any people ever needed it. We shall never be able to do justice to our better selves or to take our true part in the modern world until we acquire it. We must learn to suppress rather than to exalt those who endeavor, whether through ignorance, selfishness or malice, to stir up among us antagonism to other nations and to other peoples. If we are to take the place which many of us have fondly hoped America would take, at the very forefront of the movement for the establishment of a world peace based upon even-handed justice, we must first learn to rule our tongues and to turn deaf ears to those who, from time to time, endeavor to lead us away from the path of international rectitude and international honor with false cries of a pseudo-patriotism.

Let me offer, from the recent Senate debate on the treaties of general arbitration, an example or two of the notions that must be removed from the minds of important men before we can make much progress with our cause and before we can gain the international mind.

On March 5 last, Senator Heyburn of Idaho, told the Senate this: "There never has been a time in the history of the world when any progress was made through peaceful agreements. I repeat it, there has been no time in the history of the world when progress toward civilization or a higher condition of mankind was made by a contract or agreement. Every advance step toward what we term civilization to-day has been the result of war. A rule that has been tried out through so great a period of time is entitled to some respect. It ought not to be brushed aside by the novice in political or public affairs. . . . We grow philanthropic, we grow sentimental—I had almost said maudlin—over the brotherhood of man. No nation ever existed fifteen minutes based upon the brotherhood of man; no community ever did."

These are doughty assertions. By the terms of the Constitution of the United States the eminent Senator who spoke them cannot be questioned for them in any other place. Where, how-



ever a question would be unconstitutional, a gesture of wonder and perhaps one even bordering on inquiry may be permissible! Do these strongly expressed opinions really represent with accuracy and truth the teachings of history? One must wonder just a little whether the Senator from Idaho had recently had time to refresh his knowledge of the history of civilization and of European diplomacy. Obviously the possession of what I have called an international mind is quite incompatible with opinions such as these.

Two days later, while participating in the same debate, Senator Hitchcock of Nebraska expressed somewhat peremptorily the conviction that the forces behind the pending treaty of arbitration with Great Britain did not really find their chief interest in arbitration at all, but rather in bringing about an alliance between Great Britain and the United States. The learned Senator did not stop to indicate how an identical treaty with France and a proposed treaty of similar form with Germany could be reconciled with this notion of an alliance. He was, nevertheless, very determined in regard to the matter, and concluded his speech with the declaration that the purpose of the pending treaties was "to make a false union, a real alliance between the United States and Great Britain." If Senator Hitchcock occupied a less exalted position than that of a Senator of the United States, a private citizen might perhaps be permitted to exclaim, "In the name of the Prophet, Bosh!"

The notion that a treaty, by the terms of which two nations engage to submit any differences which may arise between them to judicial determination, is in some way equivalent to a political alliance, is one of the most curious that now finds lodgment either in the senatorial or in the public mind. Some time ago in speaking of this phase of the matter I offered the suggestion that anyone who could mistake an arbitration treaty for an alliance might be expected to confuse a law suit with a marriage. (Laughter and applause.) For this I was suitably rebuked by having it pointed out to me that I did not understand the point of view of those who held this opinion. I was forced to accept the rebuke in humble silence, for I knew that it was true; I certainly do not understand the point of view of those who confound an arbitration treaty with a political alliance. If anybody does understand that point of view I hope that at an appropriate time he will make it clear to the rest of us.

There is a curious and interesting interdependence between reasonableness and sanity in the conduct of domestic politics on the one hand, and kindly feeling and generous sympathy in our attitude toward foreign relations on the other. A nation that is either intellectually, morally or politically turbulent, is not in any position to assume leadership in the development of inter-

national affairs on a peace-loving and orderly basis. The political braggart at home is the political bully abroad. Unfortunately, our contemporary American public life offers illustrations in abundance of the unhappy effects of constantly carrying on political discussion, both on the platform and in the press, with the manners of the prize ring and the language of the lunatic asylum. A large part of the American public has become so accustomed to highly seasoned political food that it is no longer satisfied with a merely nutritious political diet. We Americans must be content to wait until the present unhappy tide of turbulence and bad manners has ebbed before we can venture to lay claim once more to a place of leadership in the development of constructive international policies. Reform of international procedure, like charity, begins at home.

Most of all, we must do our best to lift political discussion, both national and international, up out of the mire of personality and unseemly controversies between individuals and private interests on to the high ground of principle. It is not fashionable just now in some influential quarters to have any fixed principles. There are those who think it becoming to court the favor of the populace by inquiring of them, as did the frightened peasants of Louis XI, "Sire, what are our opinions?" There are others who appear to emulate the example of Artemus Ward who, when asked what were his principles replied: "I have no principles; I am in the show business."

It is in the highest degree important that upon all this sort of thing we should turn our backs. Political progress, whether national or international, must depend upon trust in the better instincts of the people, and cannot rest upon their appetites and their passions, their envies and their animosities. A vast majority of the people of the United States are God-fearing, law-abiding, devoted to liberty and order, and sincerely desirous of promoting the common welfare. Unhappily, political exploiters and promoters with vast quantities of watered political stock to dispose of, are just now keeping up such a din and are so skillfully organizing the adventurous elements of the population that real public opinion, our true national character, and the genuine public will are for the moment quite in the background. At the moment we are being ruled and represented by the noisy and well-organized majorities of minorities, and we are sliding backward in political dignity and political wisdom every hour. When the people as a whole grasp this fact, as they surely will, they will assert themselves with no uncertain voice, and our nation will once more put its feet in the path of progress. The moment that sober reason resumes its rule, our cause will be secure. Human progress cannot be held long in check by selfish endeavor, and both at home and abroad we may look forward with con-



fidence and abundant hope to the coming of the day when justice shall rule, and when a lasting peace, based upon justice, shall set free all man's resources for man's uplifting. (Applause.)

Mr. ALBERT K. SMILEY made formal announcement of the officers of the Conference, a list of whom will be found on page 2 of this report.

Mr. ALEXANDER C. WOOD, Treasurer of the Conference, presented his report, properly audited, showing receipts during the past year of \$2,790.10 and disbursements of \$2,667.43, leaving a balance of \$122.67. He called attention to the fact that funds in the Treasury are solely from voluntary subscriptions and are used only for printing and postage and for distribution of the annual reports and other literature authorized by the Conference or its Committees. All other expenses, Mr. Wood explained, including the salary of the permanent secretary and the maintenance of the permanent office, are borne by Mr. Smiley.

THE CHAIRMAN: I have pleasure in presenting Professor SAMUEL T. DUTTON, Acting Secretary of the Executive Committee of the National Council for Arbitration and Peace.

## THE HISTORY OF THE NATIONAL COUNCIL FOR ARBITRATION AND PEACE

### ADDRESS OF PROFESSOR SAMUEL T. DUTTON

Progress in organizing the National Council has not been as rapid as the growth of socialism in Germany or the digging of the Panama Canal. Its short and simple annals are as follows: At a meeting of the Lake Mohonk Conference in May, 1909, in a brief paper, attention was called to the need of a better organization of the peace forces of this country. After careful consideration, it was voted at the final meeting of the Conference that the president be authorized to appoint a committee which should consider the advisability of a National Council for Arbitration and Peace, as well as determine the number, constitution and work of such a council. The following committee was afterwards appointed: Dr. Butler, Senator Root, Mr. Carnegie, Dr. Abbott, Mr. Smiley, Dr. Warfield, Dr. Trueblood, Mr. Mead, Dr. Scott, Professor Kirchwey and Mr. Dutton. The first meeting of the Committee was held here in connection with the Conference in May, 1910, when a subcommittee of three was appointed to formulate a definite plan for the creation and work of the Council. It was fully expected that active steps would be taken in the autumn of 1910, and the date for the meeting had been set. Then came Mr. Carnegie's great gift for the endowment of a peace fund and the appointment of its trustees. It was then suggested that the matter of organizing the Council be

delayed until it was seen what form the organization of the trustees of the Carnegie fund would take, and what influence this would have on the plan for the Council. At the Lake Mohonk Conference held in May, 1911, Professor Kirchwey made a very complete statement of the situation as regards the Council, calling attention to the large number of peace societies in the United States which, although being in many cases branches of the American Peace Society were not really working in a unified and concerted manner. He then expressed the hope that the old historic American Peace Society might be so reorganized as to more fully assume the task of uniting all the peace forces under one banner. This would require, as he explained, a board of directors elected by the various organizations to represent them. He then called attention to the fact that the Third National Peace Congress of the United States, held at Baltimore early in the same month, took action with regard to the constitution of such a central body or council as the committee of this Conference had proposed, by providing that its Executive Committee should be a permanent body for the purpose of calling peace congresses biennially, and for the further purpose, if necessary, of maintaining a clearing house for the use of the various peace organizations of this country. This action, as was explained by the chairman of that committee, Mr. Theodore Marburg, was intended to fill the gap until the Lake Mohonk Conference should act, and also provide a permanent National Peace Congress instead of a sporadic and occasional one. Professor Kirchwey then proposed a series of resolutions which named the members of the proposed National Council, welcomed the action of the Third National Peace Congress, and invited its Committee to unite with the Conference in constituting a National Council for Arbitration and Peace, which invitation has been accepted.\* The

\* According to the resolutions adopted at the Lake Mohonk Conference of 1911 and confirmed by this acceptance, the National Council for Arbitration and Peace thus constituted is "composed of the following members: President Nicholas Murray Butler, Hon. William J. Bryan, Hon. Theodore E. Burton, Dr. Samuel T. Dutton, Hamilton Holt, Esq., Dr. George W. Kirchwey, Theodore Marburg, Esq., Edwin D. Mead, Esq., Hon. Elihu Root, Dr. James Brown Scott, Daniel Smiley, Esq., Dr. Benjamin F. Trueblood, President E. D. Warfield, Miss Jane Addams and Mrs. Fannie Fern Andrews—and shall have power to add to its numbers by inviting the leading peace and arbitration societies of the country to nominate members of the council, and to fill any vacancies that may occur in its membership. Such Council shall further have power to adopt a constitution and by-laws for its government and administration, and to incorporate if it shall see fit to do so."

Complete organization and definite work by this Council is temporarily deferred (see first paragraph of address of Mr. Theodore Marburg, second following) to afford the American Peace Society an opportunity to test its plan of reorganization described in the addresses of Professor Dutton, Dr. Trueblood and Dr. Tryon (all in proceedings of this session).—Ed.



resolutions also outlined a method of making the Council representative in character, and indicated the several functions which it should properly perform in acting as a clearing house, investigating the various problems arising in this country, seeking the co-operation of all the agencies working for peace, and uniting with the National Congress (American Peace Congress) in calling periodic meetings and performing such other services as might be referred to it by the Mohonk Conference or any of the recognized peace agencies.

In the autumn of 1911 definite steps were taken, at the instance of the Department of Education and Intercourse of the Carnegie Endowment, looking to the reorganization of the American Peace Society on the lines hitherto indicated. That reorganization has been perfected, and as the esteemed secretary of the Society is to speak of this I will not in detail refer to it.

Many things have happened in three years which have increased rather than lessened the urgency for a national council. The international situation seems more critical, and calls for renewed and persistent efforts on the part of all lovers of justice and good will. In the wake of recent events, and because of increased anxiety in Europe for some way of escape from the burdens of militarism, there comes from over sea an appeal almost pathetic that the United States may take the leadership in trying to find some way of relief.

How can the United States do this? First, of course, by such official aid as our government may give in offering to mediate in times of stress, by honorable and frank diplomacy, and by continuance of the powerful aid which has been afforded by our delegates at the Hague Conferences. Again, such material assistance as the Carnegie Endowment is now giving to peace agencies in Europe will count for much. But quite as important is a well organized, unified, concerted and enthusiastic national movement commanding attention and respect. We hope and believe that the reorganized American Peace Society may be able to lead in this movement. It will be guided by its board of directors working through and with its executive officers who in turn are in communication with all the peace organizations in the country. A very significant and important feature of this federation of peace societies is the fact that the board of directors may perform the function of a national council which has been so much needed. It will be specially qualified for this service, as it will be composed of persons doing constructive work in various towns and cities throughout the land, and will probably include representatives of such bodies as the Lake Mohonk Conference on International Arbitration, the Carnegie Endowment for International Peace, the World Peace Foundation, the American Society for the Judicial Settlement of International

Disputes and the School Peace League. This would secure that co-operation and unity of action so necessary to economy and efficiency. This board or council should meet annually, and remain together for as many days as may be necessary to hear reports from different sections of the country, to consider carefully all questions that may arise, and to agree upon plans of work for the ensuing year.

What, finally, are some of the problems to be solved, thinking of a broad national scheme of propaganda work? There is first the need of one strong press bureau for the United States. As the World Peace Foundation has this matter in hand, with the prospect of having at the head of such a bureau one of the ablest men in the world, it would seem well for other organizations to join in supporting the plan and to co-operate most heartily in making it a success. The columns of the newspapers and magazines are now so well opened to international news and the reports of progress in arbitration that this bureau would have a vast opportunity.

The question of what other organs of the Peace Movement are needed in addition to the present excellent "Advocate of Peace" must also be carefully considered.

In this connection let me mention that almost untilled field of the wage earners. They are inclined to hate war, but are suspicious—especially those of socialistic tendencies—of a movement which has been more or less aristocratic and exclusive. The Council should grapple with this question, and should study it in all parts of this country, and in other countries, with the aim of enrolling for peace a million or several millions of the rank and file of the workers—the real producers of wealth. Such a great popular movement as this may require another kind of a paper, published weekly and reflecting those phases of the world movement which touch vitally the welfare of any living man.

There are nearly 1,400 cities and towns in the United States of over 4,000 inhabitants. The work of organizing the nation will not be completed until a group of workers is formed in every one of these communities. Some one may say "Why is this necessary? The statesmen, orators, clergy and publicists, most of whom are in the large cities, are the ones to do this work." But this is not a political campaign, neither is it a football game where almost everybody is a spectator; it is a task in the moral uplift of the world, in which everyone should share not only for the good of mankind and the glory of God, but for his own personal good. All churches, all universities, colleges and schools, all clubs and boards of trade and organizations of wage earners must be reached. Then in our splendid isolation, free of all entanglements, leading the world as we have in representative government and free universal education, we can say



to all nations, let us, under our common Fatherhood of God, work for and recognize the brotherhood of man. Then and then only can the United States have such consciousness of strength, and such a conviction of her mission that she can ask all other nations to join in a more definite and concerted peace-loving policy. For the carrying out of this task I know of no better instrument than a real national council. (Applause.)

THE CHAIRMAN: I now have the honor to present our long-time friend, Dr. BENJAMIN F. TRUEBLOOD, Secretary of The American Peace Society.

## RECENT DEVELOPMENT OF THE AMERICAN PEACE SOCIETY

ADDRESS OF DR. BENJAMIN F. TRUEBLOOD.

The only reason why the American Peace Society should be brought forward in this Conference is because of its association with the matter of the National Peace Council which Professor Dutton has just been talking about.

The American Peace Society, a year ago the first of this month, moved its headquarters from Boston to Washington, and I would simply put on record the fact that since that time it has had a most unusual and encouraging growth and expansion in its membership, in its branch societies, in the work of its departments, and in its efforts to bring about the federation of the various peace societies of the country.

The principal work of the Society during the past year has been in the direction of this proposed federation. It has increased its branch or constituent societies until there are now twenty-five in different sections of the country and two or three more in immediate process of organization. It has, since it moved to Washington, added two new departments—one for New England and one for New York and New Jersey—to its working agencies, having now four such departments, including those formerly established at Chicago and Los Angeles.

Very soon after the Society moved its headquarters to Washington, interviews took place between its representatives, representatives of the Carnegie Peace Foundation, of the New York Peace Society and others interested in the proposed reorganization and federation. The result was that the Society decided to undertake this reorganization and carry it out as far and as fast as possible. The question of a new constitution adapted to the needs of the time was thoroughly discussed, and finally, at a special meeting of the Society held December 8th in Washington, it was decided to appoint a committee to work out the detail of such a constitution. This revised constitution was presented and approved at the annual meeting on May 10th and will be pub-

lished in full in the next issue of our monthly journal, "The Advocate of Peace."

In view of what the Society had attempted in the direction of the federation of peace forces, the trustees of the Carnegie Endowment for International Peace at their meeting in December decided to adopt the American Peace Society as the agent of its general peace propaganda in this country, provided this scheme of reorganization and federation could be carried out successfully; and in connection therewith, they voted a substantial subvention for the use of the American Peace Society in its direct work and through its various constituent societies.

The new constitution which was carefully worked out by a committee appointed at the time of the special meeting held in December, so far as it relates to the general federation of peace forces, contains the following provisions:

"This Society shall include all persons, societies and organizations in the United States interested in promoting the cause of international peace that may associate themselves with it in accordance with the provisions of this Constitution."

Article V. of the constitution reads in part as follows:

"The affairs of the Society shall be conducted by a Board of Directors to be constituted as follows, viz.: twelve, who shall be known as 'Directors at Large,' shall be elected at the Annual Meeting of the Society. The remaining members of the Board, to be known as 'Representative Directors,' shall be chosen by the constituent societies in the following manner: every such society having 100 members shall be entitled to choose one member of the Board of Directors and an additional member thereof for every additional 500 members."

Then follows a special provision for those organizations which because of their peculiar nature can hardly be made constituent societies:

"Other peace organizations shall be entitled to representation on the Board of Directors as may be determined by the said Board from time to time."

In regard to this, at our annual meeting the other day, there were announced twelve directors from branch societies which were already large enough to choose one or two directors each, so that the Board of Directors as now constituted consists of twelve members at large and twelve members appointed by branch societies, and the probability is that in a very short time a few other branch societies will have reached the membership entitling them to appoint one or more directors. At the meeting of the Board of Directors following the annual meeting, it was voted to authorize the Executive Committee to invite six organizations to appoint members of the Board of Directors on the same plane as the other directors. This invitation will be extended officially by the Executive Committee at its meeting next



week. These six organizations which will be invited to appoint one director each are the Carnegie Endowment for International Peace, the World Peace Foundation, the American Association for International Conciliation, the American School Peace League, the Lake Mohonk Conference on International Arbitration and the American Society for the Judicial Settlement of International Disputes. What action these organizations will take in response to the invitation remains to be seen, but they will be invited officially to enter into the federation in this way.

With regard to the national peace council idea the new Constitution contains the following clause:

“In addition to its other functions the Board of Directors shall maintain a central clearing house and bureau of information for the constituent societies and for all persons and organizations in this and other countries engaged in promoting the cause of international peace and good will.”

The Executive Committee will take that matter up as soon as possible and bring it into working shape. It is therefore hoped by those who have been interested in the national peace council idea that this new Board of Directors of the American Peace Society may be able to perform the functions of a national peace council without the creation of new machinery for this purpose; that from time to time when there are great issues, great questions requiring discussion, it may come together for the examination of those questions, and decide upon such courses of action as may be necessary. The American Peace Society has thus become, in form at any rate, and in a large measure already in fact, the representative organization which its name has always implied. The directors and the Executive Committee mean to complete the federation just as rapidly as possible and promote energetically the various lines of peace work in this country so far as the funds at their disposal may enable them to do. (Applause.)

THE CHAIRMAN: Is Mr. Theodore Marburg in the room? May I recognize you for a few moments, sir, to speak of this question at this time? I present Mr. THEODORE MARBURG, of Baltimore, Chairman of the Executive Committee of the Third American Peace Congress.

## THE QUESTION OF A NATIONAL PEACE COUNCIL

### REMARKS OF MR. THEODORE MARBURG

The Executive Committee of the Third American Peace Congress finds itself in hearty accord with Mr. Smiley's attitude toward the reorganized American Peace Society in its attempt to fulfil the functions of a national peace council. These two bodies, the management of the Lake Mohonk Conference and

the American Peace Congress, have concluded to assume a waiting attitude. We hope—and we will co-operate earnestly to make it such—that this new board will become a true peace council. We were somewhat skeptical of the success of such a plan until, by its generous action at Washington last week, the American Peace Society invited on its Board of Directors representatives from bodies which are not branches of the Society. This should make the Board more representative and increase its chances of success.

Another thing which will determine our action is the future complexion of "The Advocate of Peace" for which all the societies represented on the Board of the American Peace Society now become responsible. This journal has been most useful, but we think it can be made more useful by assuming a more liberal attitude. It should have the sympathy and support of men who will not work with it under present conditions. The breadth of this Mohonk Conference is what we should like to see introduced into the American Peace Society and into "The Advocate of Peace" (applause)—an attitude which will welcome the co-operation of the soldier and the sailor and the statesman, men who are facing present-day problems, men who realize that until conditions are changed we must have an effective navy and army; this is what is needed. If "The Advocate of Peace," or, better, a journal under a new name, which may be established by the American Peace Society, can be induced to assume that attitude we shall be entirely hopeful of the success of the undertaking. There is very urgent need for such a national peace council not only for the educational work which has been referred to by Professor Dutton, but for constructive work. The need of it comes home to us every day.

Take the question of armaments. We are witnessing a steady growth of armaments with no concerted effort to check it. If the leaders of the peace movement in this country, associating with them the men in Washington, the President, who is in hearty accord with this whole movement (applause), the Secretary of State and certain men in both houses of Congress and in the departments,—if they can be brought together and shall agree that this or that plan for the regulation of armaments is hopeful—we won't say a definitely practical plan—that this or that is a hopeful way to attack the problem, then it can be put before certain powers who are sympathetic and can be worked over, so that the nations will sit upon that question, sit upon it year in and year out until we begin to see a solution.

Then, there is the project of the court of arbitral justice which this government has done so much to promote. That movement has been set back by the refusal of the House of Lords to accept the Declaration of London. May it not be possible to induce



Great Britain to proceed with the project of the court without awaiting favorable action by the Upper Chamber of her legislature on the Declaration of London? As a result of the revolution which has taken place in England the Lords must now bow to the will of the Commons; but, to effect this, a measure must pass the Commons at three separate sessions in a period of not less than two years. If the opposition of the Lords continues, two years is therefore the minimum period in which the measure can become a law without their consent. Is the project of the Court of Arbitral Justice to be at a standstill for two years and perhaps much longer awaiting favorable action of Great Britain on the Declaration of London? These are the questions on which we want the united thinking of the best minds who are giving their attention to this subject. It is for such purposes above all that we need a peace council. Before we ask the peace forces of the country to line up back of such projects we should require that the questions be considered by a council which shall either embrace a limited number of the very ablest men in public and private life, or which shall at least be able, through some form of organization, regularly to command their advice. (Applause.)

THE CHAIRMAN: The general subject of the morning session is now open for discussion under the five-minute rule.

Mr. ANDREW B. HUMPHREY: Mr. Chairman.

THE CHAIRMAN: Mr. ANDREW B. HUMPHREY, of New York, Secretary of the American Peace and Arbitration League.

## SOME CHARACTERISTICS OF A TRUE NATIONAL PEACE COUNCIL

### REMARKS OF MR. ANDREW B. HUMPHREY

I think it may be helpful to review briefly the history of the proposal for a National Council for Arbitration and Peace.

As I recall it, in 1909 the move for a national council was made here at Mohonk, and a committee was appointed; in 1910 that committee met; in 1911 the committee formed and reported a definite plan in this house. In May, 1911, the Third American Peace Congress, which met in Baltimore, gave power to its executive committee to assume the functions of a national peace council. The proposition made here last year was to unite with the American Peace Congress in establishing a national council, because the American Peace Congress represented every peace society and influence in the United States. There we all felt at home as we all do here at Mohonk, where men and women of all kinds of peace views and all kinds of religious faith are welcome. The Lake Mohonk Conference and the American Peace

Congress have not yet delegated their authority, as I understand from the addresses just made by Mr. Smiley and Mr. Marburg, or merged it into this proposed new holding company. A parent company which does not take care of all subordinate societies is not a good parent; and I wish as an individual to enter my gentle protest against the acceptance at the present time of the plan proposed by the officials of the American Peace Society. I think, Mr. Chairman, that societies, like the American Peace and Arbitration League (which I represent) ought to be provided for. The American Peace Society will invite a Bix Six to share in their proceedings. There should be no Big Six; there should be no Little Six; there should be a universal national council such as Mohonk has stood for, and that is what I want to see carried out. And I want to suggest here that the national peace council might well consist, first, of a representation from the Lake Mohonk Conference where it originated; second, of an equal delegation from the American Peace Congress which, like Mohonk, takes in every peace element in the United States; third, of an equal representation from the American Peace Society; and that these three powerful organizations should unite in establishing a real national council that will include all and welcome everybody in the United States. If the American Peace Society cannot start the national council right on the first day, they are going to be wrong on the second day and everlastingly wrong afterwards. We must all get together. The new council must represent the spirit of broadness, of Christianity, of brotherhood, of justice to all men and women and societies, and that is what we ought to continue to work for here. (Applause.)

Speaking of the constitution of the American Peace Society, I happen to be a member of that society and was present at its recent reorganization. The article describing the objects of the society omitted entirely the words "peace" and "arbitration." I had the honor to suggest that the word "peace" be put into the constitution. I still hold that the word "arbitration" should be there also. Now, as an international arbitration conference at Mohonk, we are asked to merge our plan for a national council into a society that does not use the word "arbitration."

The society which I represent has for its Honorary President the President of the United States, and that society provided the first meeting between the Secretary of State and the Ambassador of Great Britain for starting the treaties which we have been discussing for two years. The President of the United States spoke before our society at our request on the first occasion when a Chief Executive stood before a peace society and committed himself to a great world peace program. Yet the word "arbitration" has been excluded from this so-called "peace trust,"



and our society, like many others, is left out of its plan. I will not even protest here, peradventure that might be misunderstood, but I will plead most earnestly that this exclusive council proposition shall not receive the sanction of this Conference. I plead for the "open door policy" and the open heart principle of "whosoever will let him come!" (Applause.)

Dr. JAMES L. TRYON: Mr. President.

THE CHAIRMAN: Dr. JAMES L. TRYON, head of the New England Department of the American Peace Society.

### REMARKS OF DR. JAMES L. TRYON

I was very much interested in what Mr. Humphrey said. If he hadn't said anything I should not say anything, but he has said something that needs some correction and something else that needs sympathy, too. In regard to the question whether the American Peace Society is broad enough to take in all organizations that are planned upon a reasonable basis for promotion of peace, either composed of extremists against armaments or of persons willing to have sufficient armaments for our present needs, I should be willing to see all such societies admitted and I think the great majority of the American Peace Society's members would also, for on the whole they are not radical people. I believe I know something about them, because I have been in charge of their legislative propaganda more than once. I know the problems that beset us and I know the differences that arise among us on points of propaganda. I believe that terms can be made by which such societies as Mr. Humphrey represents can be admitted and given a welcome hand. So far so good. That shows you some sympathy with the last speaker, which I cordially give.

And now to correct a misapprehension. Mr. Humphrey was right in saying we did not have in our Constitution the word "peace," but, owing to the efforts he himself made, we put in that word in this form:

"The purpose of the American Peace Society is to promote permanent international peace, and to educate and organize public opinion in opposition to war as a means of settling international differences and to promote in every proper way the general use of conciliation, judicial methods and other peaceful means of avoiding and adjusting such differences."

So we have the word "peace" there. We have it in a broad platform, a platform upon which we can all stand who will.

When the Secretary of the American Peace Society explained what had taken place in Washington on the occasion of its recent annual meeting, he ably covered the ground, but I should like to add a little information that needs special development. That is this. Hereafter there will be a two-fold secretaryship for the American Peace Society, one for publications, including the "Advocate of Peace," and one for propaganda and organization

work. There will hereafter be a Secretary and an Executive Director. It is upon the new officer, the Executive Director, that the responsibility for the future success of the American Peace Society, from the point of view of organization, is to depend. We have not yet found a man for the new position; but we hope to find him, and I believe we shall find him soon. Perhaps there are men who think that leadership in a movement like the peace movement does not afford a great opportunity for public service, but in my opinion, and in the opinion of many others who for years have studied this movement, it is earth's noblest cause. An opportunity for leadership in the peace movement, such as the new position ought to afford, is the greatest opportunity for public service in this country, next to that of the Presidency of the United States. (Applause.)

We are all beginning to see alike some of these matters relating to the organization of the peace movement. We know what has got to be done, and we shall insist that it shall be done, but we want it done through the American Peace Society. For nearly a hundred years that Society has led this great movement. It has a history, and it has honorable traditions. We want that Society to have this opportunity to broaden and to unify the organized work in America for peace. Let us not lightly call the arrangement for a peace council, made under the new constitution, a "peace trust," using the language in which men to-day express their contempt for a holding company, not that, but the trustee of all the forces that will unite with it, and that are sincerely interested in the success of international peace. (Applause.)

THE CHAIRMAN: There are still a few minutes remaining for discussion of the subject before us.

Mr. HARRY E. HUNT: Has the Committee having in charge the National Council for Arbitration and Peace worked out at this Conference last year been discharged?

THE CHAIRMAN: Perhaps Professor Dutton can answer that question.

Professor SAMUEL T. DUTTON: I understand the Committee\* has not yet been discharged.

THE CHAIRMAN: Mr. HARRY E. HUNT, of Detroit, President of the Great Lakes International Arbitration Society.

### REMARKS OF MR. HARRY E. HUNT

It seems to me that Mr. Humphrey has raised a very pertinent question, although, to my way of thinking, his criticisms of the report left much unsaid. With the exception of the six societies

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\* For the personnel of the Committee see first paragraph of the address of Professor Dutton earlier in this session.—Ed.



and organizations mentioned by Dr. Trueblood, no society has representation in the national council that has not affiliated with the American Peace Society. Now the Great Lakes International Arbitration Society finds itself in a peculiar position. Recently its directors voted against an affiliation with the American Peace Society and it therefore finds itself in the position of having no representation in the new plan proposed for a national council, although it is doing a valuable propaganda work and is sending out syndicated stories to the Sunday and small newspapers. Certainly here lies an objection to the plan now reported and an apparent injustice to the society named and others similarly situated. Unless the proposed council includes all peace agencies it is not truly a national council. If, as I am informed, the committee of this Conference that first took up the plan of a national council has not been discharged, additional names should be added to that committee, or perhaps the committee should be discharged and a new committee appointed to reconsider or to consider this important question. I do not believe it is right to refer the matter of a national council to any one society nor do I believe the American Peace Society should exercise control over this matter or have it exclusively in charge. Yet this is what has been done, and for that reason, as well as the one mentioned by Mr. Humphrey, I believe the matter should not be left as it now stands. I think Mr. Humphrey's point is well taken in this connection and that the whole matter should be carefully considered by this body. (Applause.)

THE CHAIRMAN: Is there other discussion?

Professor SAMUEL T. DUTTON: The whole scheme of reorganizing the American Peace Society contemplates bringing into that society all persons and societies that wish to be thus enrolled. There is nothing narrow about it. I may say also that our good friend, Mr. Humphrey, has been contemplating for a year bringing his society into close relation with the New York Peace Society; if that is not done, I presume some way could be found for his society to be represented in this federation. I think nothing has been overlooked. The American Peace Society now is a name for all the peace societies in the United States, and includes all people who wish to unite under its general banner. (Applause.)

THE CHAIRMAN: I now have the pleasure of recognizing as the next speaker Mr. H. A. POWELL, of St. John, N. B., a member of the International Joint Commission having in charge certain pending questions between the United States and Canada.

## THE INTERNATIONAL JOINT COMMISSION

REMARKS OF MR. H. A. POWELL

I think my feelings may be expressed by saying "It is good to be here." We in Canada have passed within a year or two through a somewhat violent political conflict in which almost the leading issue was whether or not we were to forsake our old allegiance to Great Britain and become part and parcel of the United States. We decided not to be "an adjunct" of the United States. We entertain no harsh feelings, and if you have any idea whatever of annexing yourselves to Canada, I am sure we would be glad to receive you. (Laughter and applause.) The continent is large enough, the inherited sentiment that both nations possess is strong enough and broad enough to allow the existence on this continent of two great peoples or rather two great nations. We differ politically somewhat, but more in form than in principle. We think across the line you have more of the form of liberty and we have more of its substance! Whether we are right or wrong in this, we are equals in one thing, that is in a determination that the old spirit of war that once was rampant, to the south of the line and to the north of the line, shall be forever dead! (Applause.)

I thought that in the eyes of the American citizen the United States had no faults, and I was surprised when the Senate with its glorious traditions came in for denunciation at the hands of the Chairman. After somewhat extended acquaintance with political bodies, having been a representative in several houses in Canada, and as one inspired with the glorious traditions of the old Mother Parliament of Great Britain, I have to say that the United States Senate has been, in my opinion, the most efficient legislative body on the face of the earth. (Applause.) I as a Canadian look upon you with a very friendly and appreciative feeling and do not see in you the moral weakness that your Chairman sees. I am more in line with the optimism of Mr. Smiley. The world is gradually growing better and the United States is no exception, and although I am a grandson of a Loyalist who was driven from your shores and had his property confiscated because loyal to Great Britain, I not only recognize the truth of Gladstone's statement, that the United States affords the greatest exhibition of industrial development the world has ever seen, but I recognize the republic as marching with Great Britain in the forefront of civilization. Do not imagine we in Canada entertain any feeling of hostility towards you. I know that the thinking element of the United States entertains toward us the best of feeling. (Applause.)

In respect to the International Joint Commission which has been referred to and to which I have the honor of having been



appointed by the British Government, I may say that without quarreling with the language of previous speakers its scope is much wider than pictured. If there were only a tribunal constituted with jurisdiction extending to all the nations of the world as the jurisdiction of this Commission extends to Canada and the United States, the great object of these conferences, so far as arbitration and rational settlement of international difficulties are concerned, would be accomplished. We have three jurisdictions. In the first place all matters of difficulty that arise out of boundary waters can be referred to us by either country for final adjudication. In the second place if any trouble arises between the people of the two countries in the immediate vicinity of the boundary line, it may be referred to us by either country for inquiry, and if the governments of both countries consent it can be referred to us for final adjudication. The third and most extensive jurisdiction we possess is grand in its comprehensiveness. Any difficulty whatever—there is no limitation of any kind—between the United States and Canada can be referred to us for settlement on the broad principles of equity and justice. We are a miniature Hague Tribunal, and I voice the attitude of all the members of the Commission when I say we hope and trust that in the Providence of God our deliberation and adjudications shall be such as will meet with the approval of the two most civilized and Christian nations on the face of the globe. In Canada we sympathize with the efforts of this Conference. I trust its work shall be such as to promote the friendly commingling of mankind and the establishment more firmly and universally of a common brotherhood, united under that great universal law enunciated by the Master—the perfect law of love. (Applause.)

THE CHAIRMAN: I now have the pleasure to present an indefatigable worker in the cause of international peace and arbitration, who has come a great distance to address this Conference. As a member of parliamentary bodies in his own country, as an early and important member of the Interparliamentary Union and its Council, as a participant in all international peace congresses that have been held in Europe, and as executive officer and director of the International Peace Bureau at Berne, Switzerland, Dr. ALBERT GOBAT merits our most cordial welcome and grateful appreciation of his presence.

## THE INTERNATIONAL PEACE BUREAU AND ITS WORK

ADDRESS OF DR. ALBERT GOBAT

Most of you have no doubt heard of the International Bureau of Peace, which is established at Berne. But as you probably

know it only superficially, I wish to speak more particularly about this important organ of the peace movement.

The idea of an International Bureau of Peace was taken up at those first Universal Congresses for Peace—the first in 1889—which brought together, in some great European town, men and women of good will to discuss the higher interest of humanity. At the Congress in London, in 1890, some members were asked to take an interest in the matter, and to see what could be done. They reported at the Congress of Rome in 1891 and the following resolutions were passed:

The Congress agrees to organize at Berne a permanent International Bureau for Peace which will serve as a link between the peace societies and the friends of peace generally.

It will be the duty of this office to be useful to the local committees for organizing their congresses. A commission of five members elected by the Congress is to be charged with the temporary organization of the International Bureau and with the direction the work is to take.

The commission will have to report at the next congress about the results obtained and to offer propositions concerning the final organization of the Bureau.

An international subscription is to be opened at once in order to cover the expenses of installation and secure the working of the Office.

The persons who started the Bureau were very enterprising, or perhaps they had great illusions concerning Europe. They believed that where millions were spent so easily for war, it would not be difficult to find about 50,000 francs for giving the means of living to a center of pacific movement. At the same time they were prudent enough not to undertake too much and started in quite a small way, in a little hired room, with only two persons who gave up for the sake of the Bureau the few hours of freedom which their profession left them.

The International Peace Bureau is connected with an international society which was founded at Berne and which is put down in the Swiss Register of Commerce. Thanks to this fact, the International Peace Bureau is incorporated and is the only international office (excepting of course the international bureaus established by the powers, as for instance the universal Postal Union) which is incorporated. Its aims are as follows:

Article 4. a. To inform institutions, associations and persons working for the peace movement upon questions concerning propaganda and the protection of common ideas and to ease their intercourse.

b. To insure the study and the preparations of questions which might be put on the program of congresses, conferences and other international meetings who wish to make use of the Bureau and to assist the local committee of each of these meetings concerning convocation and communications;

c. To execute the resolutions passed by those meetings;

d. To classify and keep the documents of the said meetings as well as all papers which shall be entrusted to their care and which may interest the peace and arbitration movement;



e. To start a library of all publications concerning peace by collecting as many cuttings as possible from newspapers and periodicals, also official publications from the different governments touching upon questions of peace amongst nations;

f. To collect as much as possible the sentences passed by way of arbitration between nations, and to sum them up, so as to constitute a kind of practical law on the subject;

g. To keep up a bibliography of publications concerning peace.

Our library as well as the very voluminous archives prove better than words that the last three points have been fulfilled. The Bureau was at once looked upon by the peace societies as the center of the peace movement, without which they could not well go on. For who was to give them information concerning the general current of politics? Who was to organize the Universal Peace Congresses? How were they to know what the other societies scattered all over the world were doing? And how could they act in accordance with each other for the general good of all? The International Bureau of Peace is a center for information and a rallying point; it assists in starting new societies, brings all the pacifists into contact and prepares their general congresses. It also makes their resolutions known and executes them; it supervises the reports of those congresses, and it has sometimes taken upon itself to write them and may undertake this work definitely in the near future. When necessary the Bureau enters into correspondence with Foreign Office ministers and even with heads of States. Some hardened sceptics may have jeered or even grown indignant at this great liberty. Assuredly the Peace Bureau did not exactly expect an immediate answer to a wish expressed, say, to the King of England. But the bare fact that public opinion knew that such a step had been taken lent additional importance to the communication and drew general attention to an important political question. One can only approve of the intercourse of the Bureau with the ministers of foreign affairs, even if it is not always successful. Certainly everybody approved the twice-repeated efforts of the Bureau when it tried to induce those governments which had taken part in the Hague Conferences to intervene in favor of the cessation of the Italo-Turkish war.

As proof that several governments appreciate the efforts of the International Peace Bureau, we may mention that four States—Switzerland, Denmark, Norway and Sweden—have, since its inception, granted it an annual contribution. Thanks to these governments the Bureau was able to overcome the first difficulties; for the free contributions of the peace societies and of private individuals would not have been sufficient. It is to be regretted that only such a limited number of States thus contribute to the Peace Bureau. Promises have been made by authorized persons of other countries, but without result.

Through the Permanent Court at The Hague the Bureau was brought into fairly regular contact with governments all over the world upon questions concerning international arbitration. It has sent a great number of pacific pamphlets to the delegates of both Hague Conferences and it keeps in constant intercourse with the ministers of foreign affairs, so as to be able to keep an accurate list of arbitration treaties. The foreign offices have always responded most kindly to letters from the Bureau and given all desired information.

The Bureau exists not only for peace societies and governments; it also replies to private inquiries. Even professors apply to it and ask for information. It lends books and pamphlets and sends free of charge literary works which may influence public opinion. It has often addressed teachers, universities and workmen's organizations to induce them to take the initiative in certain matters.

You might ask what kind of relation exists between ourselves and the press. It is indeed a very important question; for the daily papers are the means of making known militarist and ultra-patriotic ideas. The Bureau has repeatedly tried to oppose in the dailies the antipacifistic tendencies and the muddling spirit which unfortunately clings to the European press. For several years the office of the Bureau has issued a particular edition of its modest organ, the "*Correspondance bi-mensuelle*," of which I shall speak presently, and which was addressed to the dailies. There were to be found articles of general public interest. Several documents were translated in different languages and distributed everywhere, with the hope that the papers would use them. We are sorry to say that the press has not answered our expectations. But we must not give in. Public opinion is already beginning to resent the fact that the press considers it a duty to excite nations against each other and to thwart the endeavors which are made for the sake of universal peace. The Bureau does its best to find out means which might be used in the daily papers, themselves, to oppose the peace doctrine to the shameless propaganda for militarism and armament which most of them hold up. You must remember that I am always speaking about the European press. Of course I know that in the American press another spirit prevails; a spirit which does not talk hypocritically of universal brotherhood, but works steadily to help those ideas to triumph.

And now let me speak of a special part of our work—the documentation. The Bureau knew that to do its work properly it must have an organ of propaganda. It began by publishing an autographed correspondence, whose modest appearance disclosed an evident scarcity of means. It was replaced, in 1895,



by the "Correspondance bi-mensuelle"; the printing office took the place of the autograph and the paper grew in size. By and by 2,500 copies were given out. The Bureau sent the paper to all the peace societies and to everybody who asked for it. This publication has again undergone a change since the beginning of this year. Under the title of "The Peace Movement" the International Bureau for Peace now publishes 20,000 copies of a review in three editions—French, German and English. It is sent free to all peace societies and to their members who ask for it. Those who subscribe to peace papers or reviews can obtain it at a reduced price. "The Peace Movement" brings the official communications which are of interest to the societies and their organs. We find in it one or two leading articles, a review of the pacifistic papers, information concerning the doings of the peace societies, a bibliographical bulletin and a review of magazine articles. It is this publication which really makes of the International Peace Bureau a rallying point often referred to, because it is known to be international and to consider actual questions from the high standpoint of an impartial observer. We hope that it will uphold this standard and that it will be able by degrees to impart a certain movement to pacifism which sometimes goes to sleep. At all events it is important to follow carefully the general and particular politics of the States and at the proper time to bring before public opinion incidents out of which conflicts might arise. We have also published essays on different burning questions, for instance about Macedonia, Armenia, and the far East. It was necessary to prove historically which party was right and to point out the means to come to an agreement. This would often be a very good way of clearing up misunderstandings and would prevent diplomatic incidents from assuming such alarming proportions if the policy of the European rulers was not deaf to good reasons and did not prefer to listen to bad ones. Besides those special studies the International Peace Bureau prepares every year a chronicle of the events relating to peace and war. This document is submitted to the Peace Congress which draws from it the text of the resolutions to be adopted.

I have already said that the Bureau is the principal organ of the Universal Peace Congresses. It is really their factotum before, during and after the Congress, and even in the case of the reporting not being entrusted to its care, it follows this work most closely. It has completed the important and rather difficult task of assembling the resolutions passed at the Universal Peace Congresses. The first Congress was held in 1843, there have been 22 in all, and as those meetings are generally rather prolix, you can easily conceive that it makes quite a big volume.

A substantial index helps the reader. The Bureau had already published a kind of guide to the deliberations of the annual Peace Congresses.

The Bureau has addressed appeals to teachers, in order to direct their attention to the best means of imparting to the young an education imbued with international good will; to working men, to induce them to resist bellicose impulses; to heads of states, to draw their attention to certain imminent dangers.

I will not enumerate the different publications of our Bureau of which there are over fifty, but I wish to point out to you the last one, our White Book. When a war breaks out, or is near it, the sceptics and mockers cry out in chorus: What are the pacifists doing? Why don't they prevent war? We wanted to show that, on great occasions at least, the pacifists are not idle onlookers; and we collected in book form the official manifestations of opposition against the criminal attempt committed by Italy in Tripoli. These manifestations came either from groups of pacifists or from private individuals adhering to the Bureau and commanding a certain authority in the peace movement. The great number received and the spontaneity with which the manifestants of all countries did what they considered to be their duty, will show better than words the vitality of our organization. The White Book is at the same time an historical document, which will show to future generations the feelings which the act of Italy inspired in the people of Europe.

Gentlemen, I think that the Bureau can be satisfied with its activity in the past years. If one takes into consideration our exceedingly slender means up to quite lately, those who brought the Bureau into life—and amongst them were pacifists from all over the world—will perhaps agree that the results are better than they had dared to hope. To-day the Bureau finds itself in much improved conditions, thanks to the Carnegie Endowment which has given us the opportunity to develop and extend our activity. We shall be able to undertake new campaigns, to create organizations whose aim will be to hold back governments on the point of doing wrong. We shall also try to induce the people whose supreme wish is to live at peace with everyone to demand of their governments a policy of peace and justice.

The International Peace Bureau has always stood for the American ideas as far as international arbitration is concerned—compulsory, unconditional, general arbitration. In spite of the failures this principle has recently suffered, the United States will always hold with a firm hand the direction of the movement which, unless civilization be fatally doomed to disappear, must sooner or later lead to the triumph of right and justice. It is but natural that the United States should set the good example and take the lead. As a new country they do not drag after



them the burden of prejudice, ruin and bloodshed which the Middle Ages have left us, as a dreadful inheritance from which Europe has not yet freed herself.

By promising the "elite" of the United States—and this comprises nearly the whole nation—to follow its policy of peace, good will and justice, the International Peace Bureau thanks the Carnegie Endowment and Mr. Carnegie himself most heartily for the help they have given it. We hope that this help will be continued and we shall do our best to deserve it always. (Applause.)

THE CHAIRMAN: The Conference stands adjourned until eight o'clock this evening.

## Second Session

Wednesday Evening, May 15, 1912

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THE CHAIRMAN: I am sure we are all glad to cordially welcome as the first speaker this evening ABDUL BAHA ABBAS, of Persia, the well-known leader of the Bahai movement.

### THE ONENESS OF THE REALITY OF HUMAN KIND

ADDRESS OF ABDUL BAHA ABBAS

When we consider history, we find that civilization is progressing, but in this century its progress cannot be compared with that of past centuries. This is the century of light and of bounty. In the past, the unity of patriotism, the unity of nations and religions was established; but in this century, the oneness of the world of humanity is established; hence this century is greater than the past.

Sixty years ago Asia was in great turmoil of wars; England, Russia, Turkey and France went to war. There were wars in Persia, wars among the religions and wars between nations, especially in Persia on account of the existence of the different nationalities, such as Turks, Persians, Arabs and Kurds, and the various religions, namely, Mohammedan, Jewish, Christian and Zoroastrian. Among these different religions the greatest enmity and rancor were extant.

At such a time as this, His Holiness, Baha'o'llah appeared. He proclaimed the oneness of the world of humanity and the greatest peace. He wrote to all the kings and addressed epistles to all the religionists of Persia, and all the souls who accepted his platform and emulated and followed his teachings—whether Christians, Mohammedans, Jews or Zoroastrians—were united and attained the greatest amity and unity. Through those teachings, the Kurd, the Arab, the Persian and Turk freed themselves from the prejudice of race and were people agreed to an extent which is indescribable, indeed, in such a manner, that were you to enter their meeting you could not distinguish between the Persian, the Christian, the Arab or the Turk, and you would not observe any differences of religious opinion. Among those people the utmost of love and oneness of peace now obtain, for the great teachings of Baha'o'llah make for the oneness of the world and for humanity, universal peace and arbitration. The following are a few of the principles of Baha'o'llah.

First, that all must investigate reality. It is incumbent on all



nations to investigate truth. For Baha'o'llah declares that the foundations of the divine religion are one and that one is reality and reality is not multiple but indivisible. But the imitations which have come in, being different in character, have caused divisions and separations. If we forsake the imitations and revert to the original foundations of the divine religion, we shall find that the foundations are that reality which is one and not multiple.

The second principle of Baha'o'llah is the oneness of human kind. All humanity belongs to one family, inhabiting the same globe; all are beneath the providence of God; God has created all and has nurtured all and provideth for all and preserveth all. This is the policy of God. God is kind to all and why should we be unkind? Is there any policy wiser and better than God's policy? No matter how keen the human mind may be, it cannot surpass the policy of God. The policy of God is perfect and we must follow it and not our own self-interest.

The third teaching of Baha'o'llah is that religion and science are twins. If a religious question be not in accordance with science, it is imagination. All religious matter must correspond with science, every question which meets the criterion of science shall be acceptable, and those questions which do not come to the standard of science are not to be given credence.

The fourth teaching of Baha'o'llah is that religion should be the one bond which shall unite society, which shall cement together the various peoples, which shall cause a unity among all the creeds. If religion should be productive of strife and division, if it should cause bloodshed and war and rapine, irreligion is preferable to religion. Religion was meant to be a bond of love among mankind.

The fifth principle is that racial bias, religious prejudice, patriotic prejudice, political prejudice, are the destroyers of the very foundations of the body politic. All humanity is one in kind, the surface of the earth one home, and the foundations of the divine religions one. All the wars which have taken place since the inception of human history have emanated either from religious prejudice, racial prejudice, patriotic bias or political greed and interest. As long as these prejudices last, so long will the foundations of humanity tremble. When such prejudices pass away the world will at last find peace.

The sixth principle of Baha'o'llah is equality between mankind and womankind. Woman and man are both human and both the manifestations of God's grace. God has created man and has endowed him with knowledge and intelligence. The difference which now exists between man and woman is only a difference of education, and when woman shall receive the same education no doubt her equality with man shall become a reality.

The world of humanity is composed of two organizations—the male and the female. If one organ be defective, that defect will affect the other. Until perfect strength shall obtain in both, and woman shall attain equality with man, the happiness of humanity will not be insured.

The seventh principle concerns the readjustment of the economic questions in the social body. The rich now enjoy the greatest luxury, whereas the poor are in abject misery. Certain laws must be made whereby the rich cannot become over-rich and the poor shall not starve, both rich and poor enjoying the comforts according to their respective deserts.

The eighth principle of Baha'o'llah is that philosophy sufficeth not and is not conducive to the absolute happiness of mankind. Great philosophers have been capable of educating themselves, or a few who followed them, but generally education, ethical education, they could not endow. Therefore, the world of humanity is evermore in need of the breadth of the Holy Spirit. The greatest peace will not be realized without the power of the Holy Spirit. It is the Holy Spirit of God which insures the safety of humanity, for human thoughts differ, human susceptibilities differ. You cannot make the susceptibilities of all humanity one except through the common channel of the Holy Spirit. (Applause.)

THE CHAIRMAN: We are now to have the pleasure of hearing from His Excellency, the Minister of Nicaragua to the United States, Dr. SALVADOR CASTRILLO.

## THE REGENERATION OF NICARAGUA.

ADDRESS OF DR. SALVADOR CASTRILLO, JR.

I appreciate very much the great honor of being asked to address this distinguished audience on the subject of the regeneration of Nicaragua.

We in Nicaragua have had during the last eighteen years a personal government which, by destroying the resources of the country and by bringing about international complications with foreign countries, was rapidly conducting us to our ruin and putting our independence in jeopardy. We are now trying to regenerate the country and to establish a true constitutional government of the people like the government of the United States. We are endeavoring to develop the resources of the country and to place it on a sound financial and thoroughly economical basis, which will assure our liberty and independence. To do this, we must have the moral support of the government of the United States, because our credit has been greatly impaired by reason of internal and external troubles.

In order to remedy these defects we negotiated a convention



or treaty with the government of the United States under the terms of which it agreed to take due note of all the provisions of a loan contract to be made by us with American financiers; and if the contract were made along the lines set forth in the convention, it would have the approval of the United States; and, as we give the guarantee of our customs houses, the collector appointed by the Nicaraguan government would have the support of our authorities, and in case the United States government should consider it necessary it might also extend to him its protection.

This treaty is not contrary to, but is in harmony with, the spirit and principles of international law. It was not made with a purpose of benefiting special interests nor of assisting solely my country. It is to the mutual advantage of both countries, as I trust I shall be able to point out.

There is nothing extraordinary about this treaty. The United States, like any other government, has the right and is in duty bound to protect American interests abroad wherever and whenever it may be necessary. But the one thing is that without such a convention we shall be unable to obtain a loan on so favorable and equitable terms.

It is absolutely necessary, not only for our good but also for the benefit of the United States, that the internal troubles in Central America should cease. Thus can be avoided foreign complications arising from external claims. In order to settle in a friendly and just manner the many claims of different foreigners, arising out of the personal rule that formerly existed in Nicaragua, my government has seen fit to establish a court of three judges, two of whom are citizens of the United States, for the purpose of adjudicating the same. In order to protect the resources of the country, this court has also been given jurisdiction to pass upon the validity of concessions heretofore granted which may be found to be monopolistic in terms or illegally entered into. By thus protecting foreigners as well as ourselves from the resultant evils of vicious concessions, we hope to avoid foreign complications and to prevent future domestic trouble. Thus, also, we shall be able to do our duty to your country, the promulgator of the Monroe Doctrine, which would be affected by any foreign interference with us.

The United States, by its position, its importance, its history and its future, is the protector of our independence. By assuming that position, I dare say it would contribute not only to our benefit but also to its own defense and protection. But my country does not wish to take undue advantage of this situation. It desires to assist in the task of the United States. It wishes, not only to give its good will, but also its best effort to assist the United States in its glorious work.

That is the reason why we wish to regenerate our country. We understand very well that the best way to help the United States is to have a good, constitutional and independent government, making rapid progress at home and maintaining good credit abroad.

After a civil war, such as we had two years ago, it is impossible to avoid military influence and all the wrongs that follow in its train. You may probably have had such experience and may be able to appreciate that which follows. That is why even those who are victorious must abhor war, and more especially civil war which brings so much unhappiness to countries whose hope for peace can only be found in the just and legal application of the constitution and law to all the people, under all circumstances, and at all times. Little by little civil government is established and good administration follows, and that is what Nicaragua is engaged in to-day.

We say "in Nicaragua," but we wish to include also all that portion of American near the Caribbean Sea. Everything that affects one of those countries is felt by the other. Once the Nicaraguan was very proud of his government, his history and his statesmen, just as now is the Costa Rican, in whose country, our sister republic, order and peace have reigned for so very many years. At that time we were called the Switzerland of Central America. The beauty of the country, its lakes, rivers and mountains, as well as our republican institutions and the dignity of our men, reminded one of that glorious European nation, the cradle of liberty.

But finally a man came who established a personal government, destroyed our institutions, put all the revenues in his own name, conceived a kind of government wherein a commercial company, of which he was the head and chief, had the control of the country and, thus intrenched, he considered the country as his own private property and extended his conception to the extreme limit of human tolerance.

Not only was that bad for the country in draining its resources, but it was also bringing us to servitude and, worst of all, was furnishing a bad example to the new generation. Young men who were educated in that school had such examples before them and naturally accepted the same conception of government, honesty, justice, and life. And even when the usurper has passed away—swept by the people, who rose against him when life became almost impossible—still we see the consequences of such a miserable school. Most of the wrongs that are seen in our new government are the results of the past, of the school of corruption which bore such bitter fruits. Bad personal government, it is said, is not only bad in the present but even worse in the future when the fruits of bad example have ripened.



The help of the United States will also assist in avoiding international war between Central American countries having the same origin and interests and which were united in the past and will be, I hope, united in the future. That which is now regrettable—the strong feeling of nationality and the emulation between them—will be in the future a great advantage. Then we will be states as independent and proud as the states of this great federation and the rivalry between us will be the cause of our progress and development. The self-government, the independence and initiative of the states of this union will lead then in the same direction as the states of your great country. To help toward the peace, the regeneration and development of one of these countries is to extend aid to all of them and to make possible their future union, which can be based solely on prosperity and peace.

In conclusion, I think it is a Christian duty of the United States to assist countries which are not so fortunate and which, by reason perhaps of lack of political education, have become a source of disturbance to the glory and future of the American continent, and to which the United States are bound by the Monroe Doctrine, one of the foundations of this government, the extent of whose development it is impossible to foresee. I think it is only just and proper that the United States should help governments which honestly wish to reform the conditions of their countries and to establish order and a clean administration. To do so is worthy of the United States.

The United States, now that the Panama Canal will soon open, should be preparing larger markets for its goods. Our principal towns, on the Pacific side, will be brought thousands of miles nearer the Atlantic ports of the United States and Europe. The price of transportation will be reduced and competition with European goods will become easier and more advantageous to the merchants of the United States. Then the United States will become a greater export country, with a large merchant marine to send its surplus of goods to foreign countries.

We have a country two-thirds of which are almost unexplored. We have mines, woods, coffee, cacao, rubber, cotton and cattle enough to provide food for all of Central America as well as for our export trade. We have almost all the products of the different zones of the world between the two seas. That is also true of the other Central American countries.

I believe that the Panama Canal will be a great advertisement and bring to our country the tide of immigration. People will learn that life is easy and pleasant in our country, that the land is readily cultivated and that the financial gains from the exportation of products will be more than satisfactory. The comfortable travel and the great attraction of the canal will help to

bring to our countries immigrants who will develop our resources. Then we shall need more machinery and manufactured articles, and such development will naturally bring about a greater importation of American goods.

Thus it will be seen that we have mutually benefited by the regeneration of my country. That is what I hope my remarks have made plain. (Applause.)

THE CHAIRMAN: We will now have the pleasure of hearing a representative citizen of the great Republic of Argentina, a gentleman who was a delegate to the Pan-American Commercial Congress of 1911, Mr. J. P. SANTAMARINA, of Buenos Aires.

## PAN AMERICAN INTERNATIONAL ARBITRATION

ADDRESS OF MR. J. P. SANTAMARINA

I feel indeed honored at having this opportunity to say a few words in favor of the peace movement of the world in general and in behalf of Pan American international arbitration in particular.

I have accepted this compliment with great pleasure as I am able to speak without the restrictions an official status would have imposed upon me.

I believe the time has arrived when we should exchange our opinions as forcibly and as frankly as we possibly can, and without needless sentimentality. To say what we feel is not always an easy matter, nor does it strike like music on others' ears, yet it produces undoubtedly a reaction of conscience highly beneficial to our noble cause.

But before entering into the practical part of my address I must declare that whatever private opinions I may hold and express, they are not intended to hurt the feelings of any one in particular or in general.

As a Latin-American, I am here to lay before you a few considerations of a very delicate nature. My mission is, therefore, by no means an easy one, yet I believe that if the questions at issue are clearly explained and properly understood, my work here will in some measure lead to a better understanding among the nations composing the Pan American Union, and may further hasten a very necessary and very desirable co-operative action that will undoubtedly strengthen prosperity and good fellowship among the nations of the three Americas. Our joint energies will sooner or later be called upon to promote the peace of the world, and it may be that our combined moral and physical strength could in time accomplish this great aim, which should be the ambition of every citizen of this great continent.

The customs of nations, and notably those of the younger republics of the Americas, are formed by deep civic and moral



training. Our progress is the outcome of the general discipline observed in the majority, if not in all, of the countries forming South and Central America, and more than once have we given to the world striking examples of our capability to settle our internal and external affairs without resort to arms. In this connection I am happy to recall here the friendly adjustment between Chile and my country in 1897-1898. These two nations, practically of equal strength, were ready at a moment's notice to adopt the cruel recourse to force to settle a territorial dispute, but fortunately a loftier spirit of good will prevailed in the course of the very earnest negotiations, and to the general satisfaction of all a treaty of enduring friendship was signed, and once more the divine work of Christ the Prince of Peace loomed ahead, after Great Britain had approved the terms of the agreement, and to-day the statue of Christ stands at Uspalata of Los Andes as an everlasting and sacred seal of friendship between Chile and the Argentine Republic. This case is a fitting example to the world of how international differences should be settled. Nor is it the only instance I could cite. I am able to prove, *and this is very essential*, that the majority of the Latin-American republics have already exchanged treaties whereby armed conflicts become practically impossible, and agree to submit to arbitration any question or dispute based upon legitimate and rational claims.

Our elder, greater and wiser sister Republic of the North has an opportunity to co-operate with us along these lines, and thereby perfect the Pan American Union. If the United States would agree to submit to arbitration all possible questions between us, any resentment or ill feeling would disappear and our relations could no doubt become more cordial and binding.

The perfect man, to quote Spencer, is he who can conquer himself; and if this doctrine could be universally practised, the people of the American continent would attain a just equilibrium. We should all learn how to govern ourselves by uniform laws, by one and the same idea of independence and mutual respect for the national sovereignty of each other. It is absolutely necessary to reach this stage of perfection in order to make the Pan American Union not only partial, but also complete. At the present moment, I regret to say, the union between us is imperfect.

Success in business or otherwise is attained less by astuteness than by moderation, less by individual genius than by national character. The hour has arrived to test, not the astuteness of unscrupulous politicians, but to put an intrinsic value upon the national and international sincerity of the republics of the Union; this is a proposition of the highest importance not only to this hemisphere but to the world.

In the history of the Americas, the name of Washington shines as the true personification of dignity, of courage, of purity and of individual excellence. So well did he conquer his own feelings in moments of great danger, that his enemies mistook his calmness for some inborn quality. But in his nature he was impetuous, although he had the strength to conceal it, and this faculty made him strong; his self-mastery was probably the most marked feature of his greatness of character. Those who study the peculiarities of the people of the United States will probably notice that these noble and beneficial characteristics are becoming general. Our hopes are anchored more on these predominating features of our Northern brethren for protection in case of need than on the material strength of our powerful sister republic. President Taft during his administration has often given us the opportunity to test the sincerity of the American people, and he may justly be known as the peace President.

The consciousness of nationality is but a manifestation of patriotism; it lives, it pulsates in the human heart; it is something which cannot possibly be introduced by artificial means, but which is prompted by the correct proceedings of the rulers and the moral and unselfish character of the people in general.

Nothing contributes so much to the improvement of good citizenship as united efforts for collective co-operation by men and nations to uplift an invincible continent through a well-defined alliance, clearly embodying reciprocal rights and duties, without supremacy of any kind in favor of any of the concerted nations.

James G. Blaine conceived the ideal of the Pan American Union, and we find that Taft, Root, Knox, Barrett and others have followed his footsteps and have continued his good work; but difficulties have been encountered, and therefore the Union is not as yet perfect. It is necessary, it is urgent to eliminate every possible misunderstanding. We all know the far-reaching scope of the Monroe Doctrine: in truth it involved a measure of supremacy, and through it the United States has assumed the great responsibility of acting single-handed as the international police on this continent, a position liable to be questioned by her sister republics. Not only has the United States acted as mentioned in matters of international character pertaining to nations beyond the American waters, but she has also appeared inclined to act as our guardian in home questions, unnecessarily provoking a possible resentment.

The Monroe Doctrine, it is true, acts in no small measure as a safeguard, as when in 1895 President Cleveland successfully defended the great principle of international law involved in the dispute over the Venezuelan boundary. In reality it affected all the waterways of South America. The Monroe Doctrine tends



to operate as a restraint over certain political questions not properly defined and possibly sufficient in themselves to jeopardize the peace from a universal standpoint.

If it is possible to imagine that Pan Americanism is subject to changes not favorable to the union of given forces, then it becomes an urgent necessity to clearly define the range of preponderance that the stronger is to have over the weaker nations.

Several politicians of the United States are opposed to international arbitration, subordinating it in a large measure to their own political ambition and opening the operation of the Monroe Doctrine to debate.

Recently, over the Magdalena Bay affair, we have felt the influence of elements opposed to the doctrine, and we have also witnessed some regrettable incidents between this country and Colombia. I will not dwell upon either of the two last-mentioned questions, but in order to demonstrate the urgent necessity for an adjustment of several outstanding matters, I beg to read a letter from Colombia that speaks for itself and expresses a sentiment which, to great regret, has been echoed throughout the entire length and breadth of the Latin-American continent.

#### TRANSLATION.

"MEDDELLIN, COLOMBIA, *March 22, 1912.*

*President of the Pan-American Bureau of Commerce, New York City.*

DEAR SIR: Replying to your esteemed favor of the 10th of April last, we beg to thank you for your very kind invitation to attend the Pan-American Conference that is to be held next May.

We regret to say that it will be absolutely impossible for us to attend said Convention, because, as you are no doubt aware, your country has inflicted upon ours a grave injury by the despoilment that your President, Mr. Roosevelt, made of Panama, an invaluable piece of territory to our beloved Colombia, and it would be unpatriotic for ourselves or any of our countrymen, to help promote closer commercial relations with the United States, which we know gets the largest profits in her dealings with ours, because she is larger and better off.

In this city, and throughout this country nobody wishes to have any dealings with your country, nor even visit it, while the injury remains unrequited, an injury that the U. S. would never submit to ARBITRATION, and which by reason of your greater power we cannot settle by any other means.

We regret indeed to have to express ourselves as above, but we beg to assure you personally of our highest consideration and to thank you for your very kind invitation.

For the reasons stated, we beg to return to you the copy of the Pan-American Review that you were good enough to send to us."

When this nation neglects to submit to arbitration such an issue as that between Colombia and the United States, there inevitably arises on the part of the masses of Latin-America the feeling that this country is playing the part of a bully towards her weaker sister republic. The result is most unfortunate from every point of view.

It serves not only to awaken distrust in the sincerity of this country, but it is adverse to the cause of arbitration in general, and furthermore it raises a serious animosity against the United States that is highly prejudicial to the extension of commerce with the Latin-American people. Whatever financial satisfaction Colombia could possibly demand within reason is a sum of minor importance compared with the trade lost by this country during the past years and what is likely to be lost if satisfaction is not given to the Colombian nation.

If North America will do what is considered just throughout the Latin-American republics, and submit the Colombian question to arbitration or otherwise settle it to the satisfaction of the world, I feel a great step will have been taken toward the establishment of enduring peace among the nations of the western hemisphere.

Every fair-minded man will agree with me on the necessity of clearing up and defining the true status of each republic belonging to the Pan American Union, and of forming an American continental permanent court of arbitration, whose decisions shall obviate antipathy and strife between alien races; then, and not till then, shall we be able to act freely and unselfishly towards each other.

We all fight for the predominance and leadership of the armed forces, wasting our wealth in the pursuit of national and individual ambition; but if we were all subject to the rulings of a supreme court of justice, making war impossible on this continent, our progress would be still more astounding, while our stored forces could be held in reserve as part of an offensive and defensive alliance; those forces would be able to secure peace, not only in America but perhaps also beyond our seas; revolutions prompted by political ambitions would also become impossible, and by our united action we could exercise a moral and material sway powerful enough to safeguard the constitutional prerogatives of every American republic. (Applause.)

THE CHAIRMAN: We are now to hear a message on the progress of the movement for peace and arbitration and on the progress of the movement to establish and develop closer and friendly relations between the people of Great Britain and of the great German Empire. The message is brought by an eminent and unselfish worker in the cause of peace and international friendship, himself a member of the International Peace Bureau at Berne, Chairman of a committee to promote friendship between England and Germany and of a similar committee to establish friendship between France and Germany. I have great pleasure in presenting EDUARD DE NEUFVILLE, of Frankfort, Germany. (Applause.)



## PEACE REPRESENTATION

ADDRESS OF EDUARD DE NEUFVILLE, ESQ.

I have much pleasure, as representative of the German peace societies, to bring to this Conference their heartiest greetings, though it is with a deep feeling of my unworthiness that I stand here before these famous champions of peace. No doubt such names as that of Dr. Richter, our dear and venerable President, who has done such valuable work in bringing the cause of peace before our German people, of Pastor Umfried who is indefatigable in writing eloquent articles, of Professor Quidde, Professor Heilberg and others, are well known to you, still our Peace Society is very small and feeble for Germany. It is true that we have about 100 sections, with more than 10,000 members, and our Francfortorn society, which is the oldest, has over 500 members. This means nothing for Germany, especially if we regard it from the military point of view. It is true that in no other nation is the military spirit so strong as in Germany. Compulsory service and steadily increasing armaments involve such an immense number of our population that our work is most difficult to bring forward. Our Peace Society ought to progress and to develop quite differently through the means of propaganda. Mr. Feldkans travels about the whole year, showing lantern slides describing the horrors of war, doing thus valuable propaganda work, and every one is doing what is in his power. But I must repeat, this means nothing for Germany. We ought to have a peace society in every large city or considerable town; we ought to have not one but at least two secretaries, one for North, one for South Germany. We have one Bureau at Stuttgart, but there should be another at Berlin in order to keep North and South Germany in close touch, and in order to be able to influence the press more thoroughly. There ought to be a greater staff of influential men to lecture on peace subjects. How are the masses to be reached except through public meetings and through the press? But such things are very expensive, and our groups have nothing to spare or to offer us. It is a fact that in France and in England the peace societies are quite differently supported and consequently are more successful. They have a far greater number of people standing for peace. We have, unfortunately, military men in almost every family, and this fact rather weakens our influence. Those who have chosen the military career naturally hold it up, but, there is more; the younger men are most anxious to advance to a higher grade, and how shall this be brought about? Only by war, they think. There is another thing: they are proud of their vocation, and, belonging to the better classes, they are very ambitious. Several times I have tried to make such persons understand

what peace means, and received the melancholy reply: "What, then, are we laboring for? Our life, then, is a failure; it is not possible for us to change our vocation and we have to go on in this way looking for promotion even by war."

How can one help here? I think only by education for peace. But for all this we, in Germany, sorely need help. Where such a force as our military training is at work, double strength is necessary in the direction of peace. I am happy to see here my highly esteemed friend, Professor Nippold who, though on different lines, is likewise working for the same aims. We have to use various channels to reach the minds of our German people. Many are very suspicious of the peace societies and never would join any, but might be willing to join a union for international understanding, or a committee for special understanding between France and England. However, the peace societies in concert with the Berne Bureau will have to extend their work, and we should like to follow your example in the marvellously successful way in which you have progressed. We Germans are much inclined to follow in the wake of other great nations, and I fancy we might achieve much more and attain other results if we could count on your strong assistance. This year, however, we can mark a step forward in the peace movement. War was at our door, and we can only be very thankful that public opinion stands for peace, and supported our Kaiser in his earnest endeavors for peace, in spite of such repeated attacks by our chauvinists and sensational press.

The Reichstag in March, 1911, declared itself in favor of armament reduction in concert with other nations, as well as for the development of arbitration measures. In July and August mass meetings of many thousands took place and resolutions were passed in all parts of Germany favoring a *peaceable* settlement of the Morocco affair. The biggest demonstration, a social democratic one attended by more than 200,000 people, took place in one of the parks of Berlin. It was not only for the country's own affairs that they stood for peace. There were also meetings after the outbreak of the Turco-Italian war showing indignation at the way the Italian government had acted. This also was the attitude taken by our peace societies in this deplorable affair. We are able to see that the influence of our peace work has grown in spite of all, and that not only the social and social-democratic parties have taken up the question in their programme, but also our most distinguished Parliamentary leaders have done the same. I need only remind you of the famous speech of November 10th by our Chancellor, von Bethmann Hollweg, and his energetic repression of chauvinistic warlike machinations, and of many utterances of our Emperor alluding to the general welfare of our country as direct fruit of the main-



tenance of peace. We also owe a debt of gratitude for all encouragement we received from other nations. We have not forgotten the eloquent speech of President Lawrence of the Union League Club last year in May, nor that of President Butler referring to the good relations existing between America and Germany; and your peace champion, Mr. Carnegie, has referred on several occasions to our Emperor and his standing for peace.

Let me close with an expression of thanks to Mr. Carnegie, from the German Peace Society, for his splendidly munificent gift, unparalleled in the world's history, in favor of the general peace movement. I am glad to state that this is acknowledged all over the world.

When lately walking through the nearly completed Palace of Peace at The Hague, I was deeply struck by the thought that, though we do not behold as great results as we might wish, yet here the very stones are crying out what is being done in this noble cause. Finally let me express my thanks to the organizer of this Conference who, in the most pure and real sense, has shown us what can be done for strengthening and spreading the peace movement, and who has offered us such a delightful reception. May peace, everlasting peace, be the blessing of God on his noble efforts. (Applause.)

THE CHAIRMAN: As the next speaker I present Mr. JOHN LEWIS, Editor of *The Star*, Toronto, Canada.

## INTERNATIONAL FORCES

### ADDRESS OF MR. JOHN LEWIS

I begin with a reference to my own calling, that of an editor of a newspaper, because I desire to indicate in a practical way a difficulty that an editor finds in furthering this movement, and a possible solution.

I find little or no opposition of an active kind to the expression of these views. But I do find a certain lack of enthusiasm. My experience is that a meeting held for the promotion of peace is a small meeting. The people who attend are good people, but they are too few, and they are usually the same people. The military procession with the band will attract a hundred people to our one.

Now I for one am not disposed to grumble at those who do not come to our meetings. There is no use scolding the people. They are the only material we have to work with. And we, as workers in a movement for the unity and brotherhood of the human race, must have confidence in the people, and in the essential goodness of human nature. So we must keep walking

around human nature, and approaching it at one angle after another until we succeed.

What is the reason the jingo has so much easier a task than we have, and that even in a Christian church, the people respond to a sermon with a martial ring more quickly than to an appeal for peace? The first and obvious answer is that the jingo speaker is touching a match to a lot of inflammable material; and we all know it is much easier to start a fire than to put the fire out, or to rebuild the house.

But that is the worst side; and it is often better to tackle an enemy on his strong side. What is the strong side of this jingo appeal? It is calling for action; and action is good. It is calling for conflict; and conflict is not always bad. We cannot meet it by advising people to sit still and do nothing. We must say, Yes, action is good, but you are calling for the wrong kind of action. Conflict is good, but you are asking men to fight the wrong things, the wrong enemies. Heroism and self-sacrifice are good, but you are asking men to waste heroism and self-sacrifice. No tragedy of war is deeper than that. Waste of money and of the products of honest industry is bad. Waste of life is worse. But worst of all is waste of heroism, of courage, of self-sacrifice, of all the nobler qualities which in war are often perverted to evil uses.

So I think we must approach human nature in saying, We come not to bring you rest and quietness, but to show you the need and opportunity for intelligent action, for a life as strenuous as that of war, and infinitely more fruitful. We bring you not peace, but a sword—a sword not drawn against your brother in France or Germany or Russia, but against the common enemies of mankind.

We find more response to our efforts to arouse interest in positive and constructive things. When there is a world-wide disaster, a shipwreck, a famine, an earthquake, there is little difficulty in awakening the sympathy of the world. We find ourselves then moving with one of the great elemental forces of the universe, the force of human sympathy. We have hitched our wagon, not to a star, but to the sun, the source of moral power.

I believe that this Conference and kindred movements are tending toward nothing less than a general reorganization of humanity upon a basis analagous to that of nations and empires. The human race as a whole will have its recognized institutions, its courts, its parliament, its press, its educational system. And these institutions will have as their driving power a force akin to that of the broadest and warmest patriotism—the enthusiasm of humanity.

You have made a beginning. You have an international



court which has been a triumphant success in itself, and which points the way to other things. The Hague Tribunal is important not only for what it has achieved directly in settling disputes without war, but because it points the way to a general reorganization of human society upon a basis which will render war impossible and give an immense impulse to civilization. It marks the beginning of a true citizenship of the world, with a sense of duty toward the whole human race.

Now looking at the Hague Tribunal as one of our pieces of international machinery, what is its driving power, its steam? We used to hear the objection made that its judgments could not be enforced. If that means that it works without the backing of physical force, I regard that as an advantage, not as a drawback. It seems to me a sublime spectacle, full of hope, to see that tribunal extending a silent, yet cordial, invitation to the nations; offering its services to all, but forcing them upon none. I am glad that its judgments are accepted purely for their intrinsic merit, for their justice, for their appeal to the reason and conscience of mankind. "Force will rule the world until right is ready," is the maxim that might be written over the portals of the Hague Tribunal.

And this shows us again the field in which our work is to be done. Those whose aim is to keep nations apart must work mainly in the physical world. I refer not only to armies and fortifications, but to customs tariffs. I have no faith in protective tariffs, but as a worker in this cause I am not much worried about tariffs. Tariffs operate upon physical things while we work in the realm of ideas. Let me illustrate. When we who live in other countries return to our homes, the customs collector searches our baggage for alien boots, but he does not search our hearts and minds for any thoughts or sentiments we have received here. There are duties on stoves and clothes and potatoes and wheat. But ideas are on the free list. Friendship is on the free list. So tariffs need not worry us a great deal so long as thought is free. All we have to do is to make full use of our freedom, to work to the utmost in that realm of ideas which, after all, rule the world.

It is in this view that I mention two or three methods of international organization and co-operation,—some already begun some possible. I do not guarantee that all are practicable, but they will serve as illustrations of the field in which we may work and the activities that are open to us.

There is the Interparliamentary Union, which may develop into a true parliament of man. You hear the objection made, as you heard it in the case of the Hague Tribunal, that physical force is lacking; that a parliament of man could not enact statutes which could be enforced. I attach little weight to that

objection. National parliaments do much more than enact statutes. They express and they mould public opinion. They afford means for interchange of thought. They promote great national enterprises. Your world parliament could do analogous things in a wider field. It could express and mould the public opinion of the world. It could provide for the interchange of thought between nations. It could promote enterprises of world-wide scope.

It has occurred to me as a possible development of the organization of world forces that we might have an international university and an international newspaper or magazine. But there are details and difficulties to be discussed with which I shall not trouble you to-night. I mention them merely to illustrate the idea of the possible construction of new machinery for a world-wide organization.

Now I return to the question of driving power, the steam for our machinery. In the Hague Tribunal you have the force of justice. In the Interparliamentary Union, possibly the world university and the world journal, you have the driving power of intellect. But there are greater forces than these—the driving power of sentiment, of sympathy, of courage, of self-sacrifice, of heroism!

Take the Titanic disaster. It aroused world-wide sympathy. It afforded instances of heroism and affection stronger than death. Finally it brought forth a proposal for an international conference on life saving at sea. If the nations would co-operate they could make the oceans as safe from such disasters as they are now from pirates. A vessel sinking like the Titanic and sending out its wireless messages for aid would not have to depend upon the chance proximity of another ship. Already we read of battleships built for purposes of destruction sent upon errands of mercy! On the occasion of the earthquake in Sicily some years ago, all the great powers sent warships to the assistance of the inhabitants. A New York newspaper then made this remarkable comment: "There is a portent in this alliance of the fighting force of the world to do battle against disaster, and to mitigate a great calamity that has fallen upon mankind. It foreshadows a day that shall surely dawn upon the earth, when men will put an end to the fearful cruelty and waste of war, and will unite not only on great and exceptional occasions but in a steady and perpetual concord, to bring all the resources of organized science and art to bear upon the difficulties and dangers of our earthly existence."

I have spoken of the enthusiasm for war. I propose that we not only attack war, but plunder its treasury, destroy what is evil and loot and carry away what is good and use it for our own purposes. Undoubtedly in war, inspired though it be by hatred



and many baser qualities, you create an emergency which draws forth heroism, self-sacrifice and the spirit of comradeship. So if you set fire to a building you bring out the courage of firemen; if you sink a ship you bring forth the courage of sailors and passengers. But while we call the gallant fireman a hero, we call the incendiary a criminal; and criminal is the man who encourages war or who sows the seeds of international hatred. Yet all these calamities do serve to show to what heights human nature may rise. They point to sources of power which if rightly used might almost abolish the crime and misery of the world.

Physical science has shown us how to use the forces of the coal stored in the earth, of the water that plunges over Niagara. It is possible that the movement in which we are engaged may develop an even higher type of scientist, who will show us how to draw upon the latent forces of human nature—its power of soaring thought, of heroism, of affection; and how to use them for the service of the human race. Such a scientist will develop the powers of mankind beyond conception. He will bring the golden age, the heroic age, which because of our discontent with the present, and our lack of faith in the future, we relegate to the past and to the twilight of fable. (Applause.)

In the two or three minutes I have to spare I would like to refer to a statement made this morning by a delegate from Canada, to the effect that in the last Dominion election we solemnly voted upon the question whether we should remain an autonomous nation in the British Empire or annex ourselves to the United States.

I beg leave to say that no such issue was presented to the Canadian people. I had the honor of being one of the minority, which, although defeated, holds some 600,000 votes—almost half of the total votes, and I do not think there was in the minds of twelve of the 600,000 people any notion of annexation to the United States. As we regarded it, it was a trade question. Possibly that was not very unnatural, seeing that the agreement upon which we fought had reference solely to trade. Certain gentlemen in our country chose to place on that agreement the fantastic interpretation that it was intended to lead to political union. They had forebodings and misgivings. I have no objection to their holding these. In our free country men may have such fancies and imaginations as they please; but I do object to these gentlemen imputing their fancies and forebodings to us.

So far as I am concerned, trade and nationality are two entirely different questions; they have nothing whatever to do with each other. There is not a page in our history, in the history of the British Empire that does not show that nationality and

trade are absolutely apart; there is no connection between them, not a particle. I have too much pride and confidence in my country to suppose that national spirit depends upon the maintenance of taxes on food!

On the other hand, I am quite willing to carry that opinion to its logical conclusion and to say that the maintenance of taxes on food, for which a majority of our people chose to vote, does not affect the friendly relations between our country and yours. No matter what tariffs we may have or what tariffs we may pull down, we are going to remain independent and friendly, having no rivalry except the generous rivalry we have in advancing the cause of civilization! (Applause.)

THE CHAIRMAN: We are to hear briefly with regard to the preparations which are making for the celebration of the one hundredth anniversary of peace among English speaking peoples. We shall have the pleasure of hearing from Mr. ANDREW B. HUMPHREY, of New York, Secretary of the National Committee that has done so much preliminary work in that direction.

## THE CENTURY OF PEACE—THE MATURING PLAN FOR ITS CELEBRATION

REMARKS OF MR. ANDREW B. HUMPHREY

The gentleman who preceded me is a good illustration of the advantage and the joy of celebrating the century of peace among English-speaking peoples the world over.

We all know what it was, but I wish to call attention to this fact, which we can always repeat with profit, that the Treaty of Ghent settled nothing. It was an armistice of war, if you please; but not a single issue fought for in that war of 1812 was settled by it. The people of England and of the United States took it into their own hands to have peace, and peace we have had! It will occur always, when the people of the United States, or any other one nation, decide to have peace. This celebration is to cultivate that sentiment.

Hon. W. L. Mackenzie King addressed this assembly two years ago and made the first announcement of it in a peace conference. He had spoken of it at Harvard the year before, in 1909, and it had been talked about in Washington during the Roosevelt administration, but no step was taken until 1910, when Mr. King suggested it in this room.

Then Mr. John A. Stewart, of New York, took it upon himself to call the people together and start it. I made a report here last year; we then had about 300 members. To-night the Committee for the Celebration of One Hundred Years of Peace includes over 5,000 of the most prominent men and women in the United States, in England and Canada, and other places. The



governors of every state are members of the Committee, and every governor has appointed five of the most prominent men in his state to co-operate with it. Great Britain, officially, through members of Parliament, headed by Earl Grey, has organized one of the most powerful committees ever known in Great Britain and one which has attracted the attention of the English-speaking world. In Canada the committee is headed by Premier Borden and former Premier Laurier, who are working with us along this line; they are only waiting, as the English do, for a precedent. Now that England has acted, Canada and the provinces are also co-operating.

I will name some of the different cities of the United States that have appointed committees. Boston and Buffalo have very large committees. Chicago's committee is headed by Mayor Harrison, and there are large committees in Cleveland, Milwaukee, Nashville, New Haven, New York City (headed by Mayor Gaynor), Niagara Falls, Oakland, Philadelphia, Toledo and Washington (headed by our friend Dr. Scott). The Committee on Legislation is headed by one of our neighbors, a man who addressed the Mohonk Conference last year, Hon. Alton B. Parker; and I might say for his committee that there is a bill now before Congress asking for an appropriation for use in this connection; Mr. Parker and some forty-five gentlemen visited Washington two weeks ago and had a hearing before the Senate and House Committees on Foreign Affairs, who favorably considered their plans; but I can only outline this. One of the most important committees is the Committee on Historical Review of the Century of Peace; that means the world shall not go uninformed as to what this century of peace means. I am happy to say the honored chairman of this meeting is at the head of that great and important committee. The Committee on International Conference and Organization is headed by Mr. William B. Howland, of New York. The Committee on Publicity is headed by Hon. Albert Shaw, of the "Review of Reviews," and includes Henry Watterson of the *Louisville Courier Journal*, Herman H. Kohlsaat, and others. The Committee on Memorials is headed by myself; the Committee on Celebration in the City of New York has as chairman Mr. George F. Kunz of Tiffany Brothers.

So you see with 5,000 members we are now properly and thoroughly equipped to do this work; Canada is organized; Great Britain is organized, as are Australia, South Africa, New Zealand, and other places where English is spoken. Ambassador Bryce has been very active in Washington, and some seventeen other ministers in Washington have accepted positions on the Honorary Committee, so that from Washington not only the English-speaking peoples, but those all over the world can be

taken in on this broad platform. I might also say one of the things to rejoice over to-night is the fact there has been a satisfactory and a complete merging of all the small societies in the English-speaking world into this one great international organization to promote the cause of this celebration. (Applause.)

What are we going to do? At Niagara Falls it is proposed to throw a bridge across the Falls about where the old bridge stands. There has been no permanent structure there in the history of the Falls. This remarkable structure will be made from the plans of a graduate engineer of Toronto University and one of the great bridge builders of the world. It is proposed to build at Buffalo a granite arch bridge, 1,800 feet across the river, and that is now possible because the government of the United States is building a canal along the Niagara River, so the canal boats and other traffic vessels from Lake Erie can be taken down through the canal and into the Erie Canal. That reduces the navigation so that for the first time in the history of the United States and Canada we can build a bridge at Buffalo. We propose to have a granite arch bridge that will be there almost when Cæsar is forgotten.

I made a suggestion a year ago as to the harbor of New York which somebody thought was a little dream. A great many things of which we dream nowadays are practical; in fact, this was not a dream. This is only a better Eiffel Tower; the author, Mr. Ruckstuhl, is the great sculptor, some of whose statuary is in the rotunda of the Capitol at Washington. This is an Eiffel Tower 1,000 feet high, with emblems of peace and statuary that can be added—one of the most beautiful designs of this kind ever produced in the world. Mr. Borgland, the great artist, whose conception of Lincoln—perhaps the most marvelous in existence—now adorns the rotunda at Washington, is working with us.

In addition to these substantial things, some things can be co-ordinated and brought together. It is forty-nine miles from Lake Erie to Lake Ontario; the Canadian government has set aside a strip 100 feet wide along the entire front of the Niagara River, to be perpetually a highway; this when perfected will be a most beautiful boulevard. Canada has taxed the water power used on the Canadian side which amounts to two or three hundred thousand dollars per year and is to use this money to beautify that shore. In that respect Canada is way ahead of us on this side of the river. On the American side we are building a boulevard forty-five miles long, but it will have to go round the city of Buffalo and skip the beautiful part of Niagara, because of concessions already granted; but when we get below the Falls, we can go down to the lake with a boulevard, and later on build a bridge lower down. Our plans are to provide not for this century or the next century, but for all time, a chance



for development by the artists of the world. There it is proposed to build a great international park forever for the people. The bridge at Buffalo will also be free for everybody to go or come, regardless of reciprocity or the price of potatoes.

In closing, I want to call attention to a suggestion made by Senator Root, who, like Mr. Smiley, is one of our officers. Senator Root has suggested that the celebration formally begin on the 17th of February—the date of ratification of the Treaty of Ghent—in this solemn, impressive way: For a given five minutes—having the time properly computed by a board of astronomers—throughout the English-speaking world, all the wheels of industry, all social activity shall cease. Who can doubt that the five minutes will be impressive?

Finally, it should be kept in mind that while many celebrations in history have been largely spectacular, this occasion will celebrate peace through the spiritual, intellectual, industrial and economic triumphs of a marvelous century of development and progress. (Applause.)

A MEMBER: May I ask if any provision has been made for a memorial in Ottawa?

Mr. HUMPHREY: This committee has no jurisdiction in Canada. The gentlemen in charge of the movement there have called a meeting for the 4th of June, and they have their own plan, which I do not feel at liberty to mention here; but you will be interested to know that whatever the United States government or people do along the Canadian border, the Canadians will meet us half way—that is, in the middle of the river, for our jurisdiction ceases at the boundary line and we could not build half a bridge and leave it suspended in air. We must have a bridge such as the peace movement is seeking—one that will meet and join. (Applause.)

THE CHAIRMAN: The Conference stands adjourned until to-morrow morning at 9:45.

## Third Session

Thursday Morning, May 16, 1912

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THE CHAIRMAN: The first topic for consideration this morning is "Treaties of Arbitration." I have pleasure in presenting a veteran American statesman and diplomat, who was Minister to Spain during the troublesome and exciting months which preceded the outbreak of the Spanish war, and who, in my humble judgment, had we been patient for a few weeks, would have solved by statesmanship to the satisfaction of the American people the difficulties which were afterwards settled by war,—General STEWART L. WOODFORD.

### STEADY PROGRESS TOWARD ARBITRATION

REMARKS OF GENERAL STEWART L. WOODFORD

With all of you I sorrow for the practical defeat in the Senate of the treaties for arbitration. We were so jubilant a year ago in this Conference and we had come so near to this advanced step in the cause of peace that we are sadly disappointed now. There is no good in concealing this disappointment, but there should be a steady resolution to keep at the work until this great step towards peace shall have been finally accomplished. One thing we may at least rejoice over—the most advanced step has been taken in all the history of the ages. For the first time the responsible head of a great government has put himself squarely and fairly on the side of universal peace. (Applause.) And however long may be the waiting, however disheartening may be some of the battles of the future, it is a great thing that the executive head of one of the three or four greatest nations of the world has put his government, his administration and himself on the side of universal peace. Nor if you look at this thing in the light of the world's history is there cause for permanent disappointment. The progress of men towards higher ideals has always been strangely slow. Out of the Stone Age there came the arrow head, sign of war, the hatchet, token of peace, and from the very beginning this spirit of war, this essence of hell, this purpose of men to struggle and to kill has been always and sadly evident. You need to go back no further than the advent of the Christian era. For nearly two thousand years we have been reciting the Lord's Prayer, the Creed, the adhesion to ideals of love and duty and peace and for two thousand years we have been gripping at each other's throats and killing where



we could. Every step of advance towards unity, towards peace, towards practical love between man and man has been fought and resisted by all the elements of our lower and more brutal nature. As has been so often said, we have slain more men and women and children in the name of Christ than have been slain for all other causes. The ambitions of men have not killed as many as the struggles of so-called Christian men over creeds and beliefs and methods of worship. We have come very slowly towards the higher ideals. We are nearer to them to-day than the world has ever been before, and as we are getting thus nearer, don't let us be discouraged, don't let us give up the struggle; for we are right economically, we are right morally, we are right historically, and the world will keep on until we get finally to where difficulties between nations will be settled as are difficulties between men. It took centuries to get the civilized world to accept the idea of the settlement of difficulty by a law suit; it has taken centuries to get men to the point where ambition is willing to lay aside its rivalry, where selfishness is willing to lay aside its purpose and substitute the law of love for the law of force. We shall get there just as certain as to-morrow's sun shall rise. There will come the time when the essence of Christianity, the purpose of the Christian life will reach its result and we shall settle difficulties between nations just as we settle them to-day between individuals without recourse to the horrid agencies of war.

Now I have given my little message. Young as I am, or old as I may be, I have lived through two wars—one the devastating Civil war and the other this strange Spanish war. I think after all the years that have gone and with the number of actors in that war who have passed beyond the Great Divide, that I violate no confidence when I say this: If we could have had something, some method of arbitration, something that would have enabled us to stop and look the situation right in the face, we might have saved the Spanish war; we might have saved what no man can yet understand, what no man can foresee; for what the occupation of the Philippines and the plunging of this nation into what are called world-politics is to mean in the centuries to come no man can tell.

When the guns of the Spanish war opened we were a continental power without entangling alliance, living our own life, working out our own future; when the guns of that one-hundred-day conflict were silenced we were a world power intermingled with all the ambitions of world politics, responsible for the administration of islands and lands all round the globe, and what is to be the future no man can to-day realize or foretell. That it will all work out to the good of man, that it will all work out in some way to the good of the earth I believe, because I believe

in the rule of a controlling Providence, but we have assumed responsibilities, we have plunged into difficulties, we are face to face with a future that is unknown and we shall need the best patriotism, the broadest Christianity, the strongest love of our fellows to prevent our being engulfed in the wars and the ambitions of the future that have been so terrible to the rest of the world powers in the past.

I thank you for listening so patiently. I hope that you will all get from Mohonk all the good that there is in it. For me it is a benediction to come back year after year to take my old friend, Mr. Smiley, by the hand and to see the genial influence that peace labors leave upon himself and his cause. (Applause.)

THE CHAIRMAN: I have pleasure in presenting as the next speaker on this topic, Mr. WILLIAM C. DENNIS, of Washington, formerly Assistant Solicitor in the Department of State, and Agent of the United States in the Orinoco Steamship and Chamizal Arbitrations. Mr. Dennis will speak on "The General Arbitration Treaties."

## THE GENERAL ARBITRATION TREATIES

### ADDRESS OF MR. WILLIAM C. DENNIS

I wish to speak for a few minutes about the recent arbitration treaties,\* with particular reference to the Senate amendments. In order to discuss these amendments intelligently it seems desirable to review briefly some things which are already very well understood.

There appears to be one point about which nearly all the friends of the treaties may be said to have agreed; that is, that the treaties are chiefly valuable not because these particular treaties will prevent war between the contracting parties, because, as almost everyone—whatever his views with respect to the treaties—admits, it is almost inconceivable that we are going to have war with either Great Britain or France. The great value of these treaties, as originally drawn, lay in the fact that they were to be models for other treaties between the United States and other countries and were to afford inspiration for the conclusion of similar treaties between all the great nations of the world.

So, in considering the effect of the Senate amendments to the treaties, it seems to me that we should keep steadily in mind this point of view, that the treaties are of no particular practical value in themselves as between the contracting parties—that their value lies in their future usefulness by way of suggestion and inspiration, and, therefore, if the Senate amendments have robbed them of that potential usefulness as models for other treaties then they

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\* For text of treaties and amendments, see Appendix C.—Ed.



are of no particular value at all in their present condition and ought not to be ratified.

The Secretary of State, in describing these treaties in his Cincinnati address, pointed out their great fundamental principles. We are constantly told that some things cannot be arbitrated. The treaties accepted, as Secretary Knox said, the distinction between those matters "which in their nature are arbitrable and those which are not. As to those which are arbitrable it is provided that they shall be arbitrated. As to those which are not arbitrable it is provided that they shall be the subject of deliberate inquiry, investigation and advice."

It is this recognition of the fundamental distinction which "exists in the nature of things" between those things which are and are not susceptible of judicial settlement, and this bold and unqualified acceptance of the logical result of this distinction, which gives to the recent treaties both their logical and their moral value as models for the future.

The treaties embodied that principle in words which have since become very familiar, namely, that differences "which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity" shall be arbitrated. In spite of all the discussion and criticism which has raged around these words they stand, to-day, unshaken. It is submitted that they are the best words that have yet been suggested for the purpose intended.

The word "justiciable," if tested by the dictionary, means exactly what it was intended to mean, namely, "liable to trial in a court of justice; subject to jurisdiction; judicable." It means in the treaties exactly what it meant when the Supreme Court used it, while the arbitration treaties were still before the Senate, in *Pacific States Telephone Company vs. Oregon*, the case in which it was attempted to draw in question the constitutionality of the initiative and referendum. In dismissing the case for want of jurisdiction the court drew the distinction between "judicial authority over justiciable controversies and legislative power as to purely political questions."

In the same manner it is submitted that the words "law or equity" are fortunate in their association and history. They are not new. They are consecrated by a century of use in arbitration conventions and practice before arbitral tribunals. They are as old as international arbitration in the modern sense of the word. From Jay's treaty in 1794, which ushered in our modern era of international arbitration, to the Prize Court Convention, to which the Senate has but recently given its advice and consent, the words "justice and equity" which are, for all practical purposes, the equivalent of the words "law or equity" used in the present treaties, have been repeatedly used in arbitration con-



ventions as defining the principles which should guide tribunals of arbitration.

And yet very rarely in this century of practical application has any serious difficulty been found in the meaning of the words "justice and equity." Occasionally a question has been raised and once or twice the construction apparently placed upon these words in the majority report of the Senate Committee on Foreign Relations; namely, that they permit of the exercise of a vague and unlimited jurisdiction, has been advanced before some arbitral tribunal.

Once, before the British-American Claims Commission which sat at the end of the Civil War the suggestion was made that the words "justice and equity" were very broad and that they gave the court unrestricted liberty of decision within the purview of its own conscience, and, in a very interesting opinion Mr. Commissioner Frazier, the American Commissioner, negatived this suggestion.

Again, in 1903, as you know, a number of nations entered into arbitration protocols with Venezuela in substantially identical language. By the terms of these protocols the arbitrators were empowered to decide in accordance with "absolute equity, without regard to objections of a technical nature or of the provisions of local legislation." The Umpire of the American-Venezuelan Commission did rule, in certain cases, as if he thought that those words actually gave him unrestricted liberty to decide one way in one case and another in another according to his individual conscience or personal idiosyncrasy without any particular reference to consistency or to the recognized rules of law.

When one of the decisions so rendered, the Orinoco Steamship Case, was taken before the Hague Court for review the Venezuelan Agent defended the Umpire's decision upon the specific ground, which he said was his "capital argument," that the words "absolute equity" gave absolute liberty, and that the Umpire could not have transgressed the rules of law laid down in the protocol because he was not bound by any rules. But the Hague Court held that the words "absolute equity" did not "invest the arbitrators with discretionary powers" or excuse them from applying the rules of law prescribed by the terms of the submission, and, holding that the Umpire had transgressed these rules, the Court set aside his decision.

So that the very objection made to the word "equity;" namely, that it sets the court adrift without rudder or compass, has been squarely raised in the court of last resort with respect to international matters and has been held to be without merit. And it should be remembered, in this connection, in appraising the weight and relevancy of these decisions and of the one hundred years of practice which they typify, that if there is any



difference between the words of the present treaty, "law or equity," and the words which have heretofore been used, "justice and equity," that "law" is certainly a more restricted word than "justice" and that "equity" cannot be a broader term than "absolute equity."

The expression "justice and equity" and its equivalents have acquired in the realm of international law a meaning through user the same in kind, although not of course the same in degree, that the phrase "due process of law" has taken on in our constitutional law through long custom and many judicial decisions. The term "justiciable" and the phrase "justice and equity" resemble the expression "due process of law" in still another respect. They not only have acquired, at least as to certain fundamental points, a definition through time and user, but they tend, as Senator Root said in the Senate "toward rather a broad treatment by exclusion and inclusion" thus leaving scope and opportunity for further definition as occasion arises growing out of conditions as yet unforeseen and unforeseeable. It is submitted that the negotiators of the treaties did well in selecting these general expressions, already defined as to essentials by a user as old as international arbitration and yet capable of further definition as occasion arises to meet the needs of an expanding future.

So much for the treatment in the treaties of matters in their nature justiciable. As regards the other great division of international differences, those not susceptible of judicial decision, the treaty provided that they should be referred to a Joint Commission for investigation and consideration. And then there was the provision, paragraph three of Article III, which empowered the Joint Commission, in cases in which the parties disagreed as to whether or not a given question was justiciable, to decide whether or not such question came within the terms of Article I and was justiciable in its nature.

There arose a difference of opinion as to the proper construction of this paragraph; i. e., as to whether the decision of the Joint Commission as to a question of justiciability was final and binding upon both governments, as its language seemed *prima facie* to import, or whether, when construed in connection with other provisions of the treaty, it was merely binding upon the executive, leaving to the United States Senate unimpaired its power to decide for itself, irrespective of the decision of the Commission, whether any question was or was not justiciable.

The majority of the Senate Committee on Foreign Relations, and many friends of the treaties both in and out of the Senate, construed the clause as making the decision of the Joint Commission final and binding upon both governments. On the other hand, the Secretary of State, the negotiator of the treaty, in a



most interesting and able argument, took the opposite view, which was accepted by many leading lawyers in and out of Congress.

It was, of course, unfortunate that any question of construction should have arisen, but, once it had arisen and a serious difference of opinion even among the friends of the treaties had developed, it of course became highly desirable if not absolutely necessary to place the meaning of the provision beyond doubt. Accordingly a resolution was introduced by Senator Lodge which, if adopted, would have cured any possible ambiguity, as he said, by giving "to that clause \* \* \* the meaning which those who favor the unamended treaty say it now possesses and which the rest of the world say it ought to have." And the Senator added, "Such a proposition is entitled to command every vote."

However, the Senate chose to cure the difficulties supposed to arise out of the third paragraph of Article III by striking out absolutely the paragraph in question, and, while in my judgment the suppression of the entire paragraph and the elimination of the moral advantage which might have been derived from the decision of the Commission as to questions of justiciability, even although not binding upon the Senate, was unfortunate, it is submitted that it was by no means fatal. It left the treaties incomplete, it is true, but not unsymmetrical. So far as they went they were sound and logical and paragraph three of Article III, or some satisfactory equivalent, might have been added in the fullness of time; so that, personally, I have never felt that the amendment eliminating paragraph three of Article III was in any wise fatal to the treaties or should prevent their exchange and ratification in due course.

This leaves for consideration the two remaining Senate amendments. One of these, affecting the text of the first article, was merely verbal and need not detain us. But the amendment to the resolution of ratification, introduced by Senator Bacon and adopted by the decisive vote of 46 to 36 is, it is submitted, fatal to the treaties in that it destroys their usefulness as models for other treaties and by way of inspiration for further progress. The full text of the Bacon amendment is as follows:

*"Provided, That the Senate advises and consents to the ratification of the said treaty with the understanding, to be made a part of such ratification, that the treaty does not authorize the submission to arbitration of any question which affects the admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or monied obligation of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine, or other purely governmental policy."*



The latter part of this amendment, relating to the Monroe Doctrine and other matters of governmental policy, substantially embodies the amendment suggested by way of greater caution by Senators Root and Cullom in their Minority Report. Inasmuch as questions of governmental policy are clearly not justiciable this portion of the amendment seems to be harmless, even if unnecessary. But aside from questions involving the Monroe Doctrine, "or other purely governmental policy," this amendment specifically exempts from the scope of the treaty the following questions:

First, "any question which affects the admission of aliens into the United States." Such a question might arise in many ways. It might involve merely the interpretation of a treaty in force between the United States and some other country and so be clearly justiciable. On the other hand it might involve the large question as to whether this country ought or ought not to adopt a certain policy with respect to the admission of aliens, clearly a non-justiciable question.

Whether or not we have violated a treaty with respect to the admission of aliens which we have already made, is a matter for judicial determination. Whether, in the absence of any existing obligation we ought to incur one, whether through statute or treaty, is a political question which cannot be submitted to arbitration. But the text of the Bacon amendment withdraws both the justiciable and the non-justiciable question from the scope of the treaty and Senator Bacon's speech in the Senate indicates that such was his intention in framing the amendment.

Second, "the admission of aliens to the educational institutions of the several States." Again, this involves questions that may or may not be justiciable. The particular question which undoubtedly suggested this exception—the question of the exclusion of the Japanese from the schools of San Francisco—arose under our treaty with Japan and was clearly justiciable, and, if it had not been possible to adjust that question by diplomacy, in my judgment we ought to have been ready to submit it to arbitration. But, of course, a similar question might arise in the absence of any treaty in such a way as to involve only questions of governmental policy. This exception is, like the first exception, destructive of the theory upon which the treaties rest, in that it covers matters which are clearly justiciable. But it is open to the further serious objection that it involves a real discourtesy to Japan, one of the very nations with which serious questions might arise growing out of our intricate relations in the Pacific, and, therefore, one of the very nations with which it would be most desirable to negotiate a general treaty of arbitration. With what prospect of success can we request Japan to negotiate with us a treaty in accordance with this model, which



is not only highly illogical but carries on its face a direct reference to a most regrettable incident in our relations with Japan which we ought to seek to forget as rapidly as possible?

Third, "the territorial integrity of the several States or of the United States." As to this point, as Secretary Knox said in his Cincinnati address, "a living nation must have a place to live in;" or, as Senator Root put it, "questions that involve the nation's having a place in which to live cannot be submitted to the decision of anybody else or the nation has lost its independence." A land to live in, just like independence, would seem to be a necessary prerequisite to any arbitration rather than a matter of policy, but, in any event, the question whether we are to have one or not is non-justiciable.

But the language of the amendment under consideration, "the territorial integrity of the several States or of the United States" covers not merely this non-justiciable question but boundary disputes which, as Secretary Knox remarked, "ever since the nation was born we have submitted to arbitration." Every foot of our northern boundary, from the Atlantic Ocean to the Lake of the Woods, has been the subject of arbitration, and the same thing is true on the Pacific Coast from the straits of San Juan to the Arctic Ocean. These arbitrations began with the Jay treaty of 1794 and perhaps the last great question was settled by the Alaska Award of 1903. But, as was pointed out in the debate in the Senate, minor questions are still pending and may be pressed for arbitration at any time. They may, moreover, at the request of either party, at any time, be submitted for examination and report to the international boundary commission of the United States and Canada, in accordance with the recent treaty of January 11, 1909. A similar international boundary commission is empowered to decide, subject to objection on the part of either government, all boundary questions arising along the twelve hundred miles where the Rio Grande forms our Southern boundary. And, only a year ago, the international boundary commission of the United States and Mexico, having failed to agree with respect to a question of boundary, the two countries provided for the addition of a third member to the Commission in order that there might be an arbitration to settle the question of international title involved. And yet, in case the pending arbitration treaty with Great Britain is ratified, as amended, or in case an identical treaty were negotiated and ratified with Mexico, we would be precluded from submitting to arbitration under either of these treaties ordinary boundary questions which the respective international boundary commissions had not been able to settle to the satisfaction of both parties.

It is said, indeed, that if the amended treaty is adopted we



can still negotiate special treaties to cover questions such as these, proper for arbitration but which are excluded from arbitration by the Bacon amendment. So we can now, without the general arbitration treaty. So we could and did last year with Mexico. But wherein will it be easier to arrange such special arbitrations after we have gone on record by excluding such questions from the terms of our general arbitration treaties and thereby giving *prima facie* notice, at least, to foreign nations, that we no longer propose to arbitrate them?

Finally, we have the exception "concerning the question of the alleged indebtedness or monied obligation of any State of the United States." Here we have an exception which is altogether aimed at the exclusion of justiciable questions. As Senator Lodge remarked, in discussing the matter, "if a pecuniary claim is not justiciable I do not know what is." For historical reasons, however, which seem sufficient to many people in this country, we do not think it advisable to arbitrate the question of the validity of the Southern bonds of reconstruction days, and, of course, it was this particular class of indebtedness which was aimed at by this amendment. But this question of the reconstruction bonds had already been taken care of by the language of the first article of the treaty, which provided only for the submission of differences "hereafter arising," thus, by language at once general and inoffensive, which in no wise interferes with the logic of the treaties, meeting the insuperable practical objection to the submission of questions growing out of the reconstruction bonds to arbitration.

The Bacon amendment, however, excludes not merely questions arising out of the transactions of reconstruction days, but all questions, at any time arising, with respect to the indebtedness of any State of the United States, thus not merely preventing the reopening of certain very unhappy transactions in the past but amounting to a general repudiation on our part, in advance, of any possibility of the application of judicial methods to the settlement of such questions in the future; and this although the United States was not only a signatory but was the proposer and chief advocate of the Hague Convention respecting the limitation of the employment of force for the recovery of contract debts which aims at securing the submission to arbitration of questions growing out of the failure of the signatory countries to meet their public debt, as well as other questions of contract indebtedness. It is believed that this feature of the Senate amendment is at once unnecessary, illogical and susceptible of giving offence to foreign governments.

In conclusion, it is submitted that this amendment has destroyed the symmetry of the arbitration treaties, has done away with their logical quality, has vitiated the fundamental princi-



ples upon which they rested so that they are no longer in fact treaties of general arbitration, and, furthermore, that certain provisions of the amendment are quite likely to irritate foreign nations with whom it is most important for us to negotiate treaties of general arbitration.

It is believed that the arbitration treaties with Great Britain and France, as originally drawn and as construed in the Lodge amendment, were bold and statesmanlike documents, a genuine advance over all that had been done before. Whatever disposition may ultimately be made of the treaties a great part of their mission has been accomplished. "There never was one lost good." In the education which the country at large has received and the better understanding of the great and intricate subject which has come to the Senate itself, through the discussion which has taken place in and out of Congress and the inspiration which has come to the friends of peace in all lands through the negotiation of these treaties and the struggle for their adoption, lies a great gain which the ultimate fate of the treaties, whatever it is, can never destroy.

But, returning to the fundamental thesis suggested in the beginning of these remarks, that the value of these treaties lies in their usefulness as models and in their inspirational power as respects future treaties, and not in their practical utility in preventing war between the contracting parties, it is submitted that to ratify the treaties as amended would, on the whole, hinder rather than help the cause of peace through justice. (Applause.)

THE CHAIRMAN: It illustrates, I think in a measure, our lack of the international mind, of which I ventured to speak yesterday, that a brief sentence in Mr. Dennis' very interesting address, made an announcement which perhaps passed unnoticed but which is of very great international importance and to which, to the best of my knowledge, no newspaper in the United States has yet referred, although it took place some three weeks ago.

You remember, perhaps, the state of the negotiations in regard to the establishment of a prize court and the negotiations which have been carried on in regard to the Declaration of London, the action of the British government in the House of Commons in support of that declaration and the rejection of it by the House of Lords. Our own action in regard to that declaration has been pending before the Senate for a year and a half.

About three weeks ago, on the initiative of Senator Root, whose instinct for statesmanship is a ruling passion, we ratified the Declaration of London and the Prize Court Convention; in other words, we have assented to the establishment of a permanent tribunal and the law to govern it in prize court cases. So far as I know, until Mr. Dennis referred to it, no public statement in regard to it has been made to the American people.



I have pleasure in presenting as the next speaker Honorable Justice WILLIAM RENWICK RIDDELL, of the Kings Bench Division of the High Court of Justice for Ontario.

## ARBITRATION TREATIES AFFECTING THE UNITED STATES AND CANADA

ADDRESS OF HON. WILLIAM RENWICK RIDDELL, L. H. D.

As a Canadian, and speaking on behalf of my Canadian brethren, I want to begin by saying we feel it is a good thing for us to be here! For not only do we participate, I hope, in the general humanitarian feelings of the age, but we have a peculiar reason for believing in international arbitration; because we know that just as in that wretched, unfortunate, wicked war which began just one hundred years ago Canada was the part of the British Empire which suffered most, so in any future war between this nation and the British nation Canada must necessarily be again the suffering part of the British Empire. So it is plain that we have a very peculiar reason for believing in international arbitration.

The geographical relation between the United States and Canada (and I use the word "Canada" in the geographical, not the historical sense) permits, and indeed compels, these two countries to be an example to the rest of the world. They have the largest international boundary in the world; they also have vast realms which have not changed allegiance for a long period of time and which have had no dislocation in form of government, etc.

No doubt the other conditions have been eminently promising for testing under most favorable terms the working of international treaties of arbitration. Those responsible for the policy on each side of the boundary were descended in great measure from the same stock, they had hundreds of years of history in common, the same language and laws, the same religion and manners, and in substance the same institutions, social and political. What is called for want of a better word the "genius" of the peoples was and is the same.

Until 1871 it may be said in general terms that the treaties were negotiated on the British side by statesmen in the Mother Country. These were indeed aided and instructed (so far as they would accept aid and instruction from "colonists") by Canadians, Nova Scotians, etc., but they were not responsible to the people on the north side of the international boundary; their responsibility was to the people of the British Isles.

From and after 1871 it may be said—again in general terms—that the British side of the negotiations, so far as they affect Canada, has been conducted in fact, if not in form, by those re-



sponsible to Canadians, and the treaties have in that regard been in fact Canadian treaties. An interesting comparison might be drawn between the treaties before and those after 1871, but this is not the place for it.

The long story begins with Jay's treaty of 1794, which provided for three commissioners (one appointed by the King, one by the President and the third chosen by these two, or if they could not agree, each was to name one and one of these chosen by lot) to determine the Northeast boundary of the United States. This failed, and it was not until 1842 that the matter in dispute was settled. Jay's treaty also provided for the determination of the amount the United States should pay to British creditors on certain claims. The commissioners for this purpose were five in number, two appointed by the King, two by the President and the fifth by the unanimous voice of these four, or by lot. This also failed; and in 1802 a lump sum, £600,000, was agreed upon.

Britain was also to compensate certain American creditors; a board of five commissioners was appointed in the same way—their labors were interrupted for a time by difficulties arising from the claims of the British creditors, but in 1802 it was agreed that they should resume their duties—and ultimately they were successful.

The War of 1812 was followed by the Treaty of Ghent, 1814. This provided for two commissioners to fix the boundary line at Passamaquoddy Bay, one appointed by the King, one by the President of the United States. These gentlemen, Messrs Holmes and Barclay, arbitrated—they proceeded judiciously indeed but not judicially—"it became necessary that each of the commissioners should yield a part of his individual opinion"—and they made an award in 1817 satisfactory to both sides. By the same treaty (that of 1814) two commissioners appointed in the same way were to determine the Northeastern boundary, but they failed to agree.

The boundary at the Lakes Ontario and Erie, etc., was satisfactorily settled by the commissioners, Messrs. Porter and Barclay, who made their award at Utica in 1822.

In 1818 a convention was concluded dealing *inter alia* with the question of the liability of Britain for the value of slaves. That was to be determined by some friendly sovereign of state, and it was referred to the Emperor of Russia. The value was to be determined by a board of commissioners. Ultimately, however, a lump sum was accepted by the United States. These proceedings did not affect Canada, but I insert a reference to them here as of interest and for the sake of completeness.

In 1827 the determination of the Northeast boundary was agreed to be left to some friendly sovereign or state. The King of the Netherlands was chosen the following year, but his award



made in 1831 was satisfactory to neither party, and the line was finally settled by negotiation resulting in the Ashburton Treaty (or "Ashburton Capitulation," as Lord Palmerston called it) in 1842.

A convention in 1853 provided for claims by American citizens against Britain, and by English subjects against the United States, being passed upon by two commissioners who were to name an arbitrator or umpire, and if they could not agree, each to name an arbitrator or umpire and a lot to be cast which should act. An American and an Englishman being appointed as commissioners, they appointed an American living in England, Mr. Joshua Bates, umpire, and this board were completely successful in satisfying everybody except (and in some cases not even except) those who lost. In this, Canada was not specially interested.

In 1854 it was agreed that the places at which United States fishermen might exercise the rights conferred by the Convention of 1818, of taking, curing and drying fish, were to be determined by two commissioners and an arbitrator appointed in the time-honored way.

On the other side of the continent there were also difficulties. Britain had claimed down to the mouth of the Columbia River between  $46^{\circ}$  and  $47^{\circ}$ , the United States up to  $54^{\circ} 40'$ . By the treaty of 1818 it had been arranged that the debatable land should for ten years be open to "citizens and subjects of the two Powers" without prejudice to the claim of either. After abortive attempts to settle the matter in 1824 and 1826, the time was extended indefinitely in 1827. Polk's election was fought and won on the cry "Fifty-four forty, or fight" (no one ever heard of an arbitration treaty winning an election), and finally a line at  $49^{\circ}$  was agreed upon in 1846, the United States to respect the possessory rights of Hudson's Bay Company and others south of the line and pay for any land taken by the government.

In 1863 a treaty was entered into whereby the claims of the Hudson Bay Company and the Puget's Sound Agricultural Company were referred to a board of commissioners—one to be appointed by each government, one arbitrator or umpire to be appointed by them, or if they could not agree, by the King of Italy. The commissioners, Messrs. Rose and Johnson, made their award in 1869.

In 1871 the Treaty of Washington was made, containing provisions for arbitration of no less than four separate matters:

1. The "Alabama claims" to be disposed of by five arbitrators—one appointed by each of the following persons: the President, the Queen, the King of Italy, the President of the Swiss Republic and the Emperor of Brazil—the King of Sweden to act if any of the last-named three declined to appoint. These



arbitrators met at Geneva and made an award in which the British representative, Sir Alexander Cockburn, refused to join. It was, however, loyally accepted by Britain. This did not specially affect Canada.

2. Other claims against Britain, e. g., for the St. Alban's Raid, etc., to be dealt with by three commissioners, one appointed by each government and a third by the two governments conjointly, or if they could not agree, by the Spanish Representative at Washington. These met at Washington and passed on a great number of claims.

3. Claims by Canada arising from the fact that the American fishermen had gone beyond the rights to fish, etc., given by previous treaties. These were to be disposed of by three commissioners, one appointed by each of the two governments, the third by the two governments jointly, or if they could not agree, by the Austrian Ambassador at the Court of St. James. These met at Halifax and made their award. The United States demurred for some time to paying the amount awarded, and it began to look as though the submission would be repudiated. After a time, however, better counsels prevailed, and the amount was paid.

4. What was the middle of the channel which separated the continent from Vancouver Island, which the treaty of 1846 had laid down as the boundary line in the Far West? Commissioners had been appointed (not by treaty but by diplomatic action) to fix this channel, but had failed. There were three channels—De Haro, Douglas and Rosario—separated by islands; and it was agreed to refer it to the Emperor of Germany to determine which was the channel meant in the treaty of 1846. He in 1872 decided for the De Haro channel; and the United States added so much to her territory.

Beginning about the early 80's, there was trouble about Canadian sealers in Bering Sea, and the adjoining ocean. Sixteen Canadian vessels were seized by American revenue cutters. At length, in February, 1892, the whole question as to damages, if any, to be awarded was agreed to be referred to seven arbitrators—two to be named by each government and one each by the King of Italy, the King of Sweden and Norway and the President of France. These in 1893 met at Paris and made an award of \$425,000 to be paid by the United States. It was paid shortly after.

Then came the Alaska Boundary Treaty. The surveyors appointed under a convention made in 1892 had failed to agree—the question was not one of science—and in 1903 it was agreed to refer the matter to a board of six impartial jurists of repute. They met in London in 1903, and, the two Canadians dissenting, made an award which excited much unfavorable comment in



Canada, but which has been submitted to without formal objection.

In 1908 a general treaty of arbitration was entered into by Great Britain and the United States which provided for the reference to the Court of Arbitration at the Hague of differences of a legal nature or relating to the interpretation of treaties; but in each case there was to be a special agreement defining the powers of the arbitrators, etc. A special agreement was made in 1909 as to the right to fish, etc., of American fishermen off the North Atlantic coast, which matter came before a board sitting at The Hague in 1910 and composed of five persons, the Chief Justice of the Supreme Court of Canada, a distinguished American Judge, an Austrian, a Dutchman and an Argentine. Their award was a victory for both parties *illis judicibus*.

Then there is a treaty made in 1909 specially for the United States and Canada, providing for an international commission of six—three appointed by the United States and three by Canada—to pass (with the consent of the two countries) upon all disputes involving the rights, obligations or interests of the United States or Canada either in relation to each other or to their respective inhabitants. This I have on another occasion called a miniature Hague tribunal just for us English-speaking nations of the North American continent.

I do not propose to speak of abortive treaties which failed of confirmation by the Senate—the defeat of these may not be the proudest boast of the Senate in the future—I cannot judge—that is for history.

It will not, perhaps, be wholly useless to put the result of our inquiries into a tabulated form. The following does not claim scientific accuracy, but is a somewhat rough tabulation. I have brought in a treaty of 1822, etc., that the list may be more full. The lists below will include all the arbitration treaties between the United States on the one hand and Great Britain on the other.

Arbitration Treaties have been made covering the following matters:

- No. 1—1794. The N. E. boundary, St. Croix River.
- 2—1794. Claims against Britain by Americans.
- 3—1794. Claims against the U. S. by British.
- 4—1814. Boundary at Passamaquoddy.
- 5—1814. Boundary at Lakes, etc.
- 6—1814. N. E. boundary again.
- 7—1818. Liability of Britain to pay for slaves.
- 8—1822. Value of slaves.
- 9—1827. N. E. boundary.
- 10—1853. Claims by citizens of each country against the other.
- 11—1854. Places on N. Atlantic coast where Americans might fish.
- 12—1863. Claims by Hudson Bay Co., etc.
- 13—1871. "Alabama" Claims.
- 14—1871. "St. Alban's" Claims.

- 15—1871. Payment for fishing.
- 16—1871. Vancouver channel boundary.
- 17—1892. Seal Fishery Claims.
- 18—1903. Alaska Boundary.
- 19—1909. American Fishing Rights, in St. Lawrence, etc.

#### A ROUGH CLASSIFICATION OF SUBJECTS.

##### (1) *Determination of Boundary.*

###### a. By Sovereign of Foreign State.

- No. 9—1827. N. E. Boundary. (Failed.)  
King of Netherlands.
- 16—1871. Vancouver Channel. (Successful.)  
Emperor of Germany.

###### b. By Commissioners or Arbitrators.

- 1—1794. St. Croix River. (Failed.)
- 4—1814. Passamaquoddy Bay. (Successful.)
- 6—1814. N. E. Boundary. (Failed.)
- 5—1814. Boundary at Lakes, etc. (Successful.)
- 18—1903. Alaska Boundary. (Successful.)

##### (2) *National Rights, etc.*

###### a. By Sovereign of Foreign Power.

- 7—1818. Liability to pay for slaves. (Successful.)  
Emperor of Russia.

###### b. By Commissioners or Arbitrators, etc.

- 11—1854. Places where Americans may fish. (Successful.)
- 17—1892. Right to seize Canadian Sealers. (Successful.)
- 19—1909. American Fishermen in Gulf of St. Lawrence, etc. (Successful.)

##### (3) *Claims Mainly Pecuniary, Involving Sometimes Other Considerations.*

###### b. By Commissioners or Arbitrators, etc.

- 2—1794. Claims against Britain by Americans. (Successful.)
- 3—1794. Claims against U. S. A. by British. (Failed.)
- 8—1822. Value of Slaves. (Failed.)
- 10—1853. Claims by each against other. (Successful.)
- 12—1863. Claims by Hudson B. Co., etc. (Successful.)
- 13—1871. "Alabama" Claims. (Successful.)
- 14—1871. "St. Alban's" Claims. (Successful.)
- 15—1871. Fishery Claims (Halifax). (Successful.)

#### FORM OF TRIBUNAL.

##### (1) *Foreign Sovereign.*

- 7—1818. Emperor of Russia. (Successful.)
- 9—1827. King of Netherlands. (Failed.)
- 16—1871. Emperor of Germany. (Successful.)

##### (2) *Commissioners, Arbitrators, etc.*

###### a. Three Commissioners, One Appointed by Each Power, the Third by These Two, or in Case They Cannot Agree, by Lot.

- No. 1—1794. St. Croix River. (Failed.)
- 8—1822. Value of slaves. (Failed.)  
In part.



10—1853. Claims against Britain or U. S. A. (Successful.)

11—1853. Fishing places. (Successful.)

b. Five Commissioners, Two by Each Power, a Fifth by These  
Four, or by Lot.

2—1794. Claims against Britain. (Successful.)

3—1794. Claims against U. S. A. (Failed.)

c. Two Commissioners, One by Each Power.

4—1814. Passamaquoddy Bay. (Successful.)

5—1814. Lakes, etc., Boundary. (Successful.)

6—1814. N. E. Boundary. (Failed.)

d. Four Commissioners, Two by Each.

8—1822. Value of slaves. (Failed.)

In part.

e. Three, one by Each Power, These to Choose a Third, and if They  
do not Agree, the Third to be Appointed by a Foreign Sov-  
ereign, or Representative.

12—1863. H. B. Co. claims. (Successful.)

King of Italy. (Two only acted.)

14—1871. St. Alban's claims. (Successful.)

Spanish Ambassador.

15—1871. Halifax award. (Successful.)

Austrian Ambassador.

f. Five, One by Each Power, Three by Foreign.

13—1871. Alabama Claims. (Successful.)

King of Italy, Emperor of Brazil, Pres't of Switzerland.

g. Seven, Two by Each Power, Three by Foreign.

17—1892. Seal Fisheries. (Successful.)

King of Italy, King of Sweden, Pres't of France.

h. Six, three by Each Power.

18—1903. Alaska Boundary. (Successful.)

i. Hague Tribunal.

19—1909. American Fishery Rights in St. Lawrence Gulf, etc. (Suc-  
cessful.)

At the very most only six failures in nineteen references. Of the failures, no less than three were in references concerning the troublesome North Eastern or Maine boundary. Two of the other references were rendered unnecessary, and only one was a real failure by reason of defects in the tribunal,—that is the reference under the treaty of 1794 of the amount of the damages to be paid by the United States—No. 3 in the list above.

It remains in the very few moments at my disposal to consider how the treaties and the awards under them were received. The Jay Treaty of 1794 was received with a fair amount of favor in England; Canada did not count in those days. But in the United States it was received with an outcry of such violence as has never been excelled and seldom equalled even in this favored

part of the Lord's dominions. Jay and Washington [who sent him] were hailed as traitors to their country—they had sold their country to their enemies and disgracefully betrayed her interests. Jay failed of that which was the object of his honorable ambition and for which he lived,—the presidency of the United States. He did get five votes once from Connecticut—Connecticut always knows a good thing when she sees it—but that was the most he ever got for the presidency of the United States. And I am not sure Washington did not omit to run for the third time (applause) owing to the venom with which he was covered by the democratic-republican party! If that suspicion is at all well founded, those—if there be those—who are troubled because he did not run for the third time may console themselves by the fact that the rule which is said to prevail—that no person can be President of the United States more than twice—would probably never have been heard of had it not been for the utterly unjust assaults made upon the best of their countrymen by the democratic-republican party! (Laughter.)

The treaties which followed, until we come down to 1871, were received with a great deal of approbation by everybody. In 1871 the treaty was not received well in Canada by the majority or at least a large part of the people. It was thought by many Canadians that the treaty was signed for imperial reasons and that the interests of Canada were not so much conserved as they might have been; but it was ultimately passed by the Canadian Parliament, and all dissatisfaction has long been dead.

Then there was no trouble about any treaty until we come down to the Alaska award. It is impossible for one who troubles himself about accuracy to close his eyes to the fact that Canada was not satisfied with the personnel of that Board, even before the commissioners began their work. I am not justifying, I am not excusing; I am stating the bare, bald fact as I know it. Canada was not satisfied with the personnel on the American side of the Board of "impartial jurists of repute" with all of those who were appointed arbiters—I do not mean one of them who is above suspicion, but I mean a certain other or others of them. And Canadians generally believed—it was their understanding, right or wrong—that at least one, and perhaps two, of these impartial jurists had already before appointment expressed a firm determination and intention not to give up any part of the American contention (whether that is true or not, I do not know; and I am not arguing it). The award was not signed by the two Canadian arbiters, and Canadians cannot be got to believe that the award was signed by the English arbiter on judicial—or on any other than diplomatic—grounds. Whether that is true, I am not troubling myself to discuss.

Then comes the award of the fisheries. I have already spoken



about that and there is no necessity of saying anything more about it. The award made by the Hague Tribunal was received by acclaim by all parties; and apparently everybody was convinced that hereafter at all events everything should be left to a tribunal like that.

It is impossible, however, not to recognize that treaties of arbitration do not appeal to the imagination; there is no glamour about them as there is about war; there is no serried march of enthusiastic, shouting men; there is no glitter of arms and armour; there is no waving battle flag; no waving of banners; no war-cry. What international treaty of arbitration could have stirred the hearts of some of the people of this nation as did "Remember the Maine!" We must not forget that there is a great deal of the brute yet left in man; passion and prejudice still have the upper hand over cool, calm judgment. No election ever was fought on an arbitration treaty as an election was fought on "54-40 or fight!" No candidate appeals to the electorate by showing what he proposes to do by an international treaty of arbitration in the way of good-will towards men of other countries, and peace on earth! The astute politician if he has been guilty of anything of the kind in the past conceals it, explains it away or possibly even denies it. Now in all countries in which the people govern, it is the people who must be reached. The voter has to be educated; institutions, gatherings like this must not relax their efforts; you must educate your masters. The people of the United States and the people of Great Britain and the people of every other civilized country must be educated until they see what is right and what is just. *Vox populi* is often called *vox Dei*; the millenium is not very far off when *vox Dei* becomes *vox populi*, for "thus speaketh the Lord of Hosts: 'Execute true judgment, show mercy and compassion every man to his brother.'" (Applause.)

The presence of a large number of my old friends here induces me to say what I have already said in substance on more than one occasion and to more than one gathering in this state and in other parts of this great Union. In my view, there never will be a union, politically, a reunion of all the English-speaking people. There is no sentiment in the United States opposed to the republican form of government. Sixty years ago there was much sentiment in the islands of Great Britain and elsewhere for a republican government throughout the British world; that—thanks largely to the glorious life of her late Majesty, Queen Victoria—(applause), is all gone. We must have our two flags. We have the old Union Jack, the flag that braved a thousand years the battle and the breeze, on which the sun never sets, and which is the emblem of liberty throughout the whole world; you have the younger flag, also sun-kiss'd and wind toss'd, with the



same three historical national colors—red, white and blue—not mingled in quite the same way as in the Union Jack but equally standing for liberty and justice and right, and there never will be, I venture to think, a union in the way of a treaty for mutual, common offense and defense; I do not think that will ever come about; I do not know that I wish it; I do not know that any true friend of peace does really wish anything of the kind. “The letter killeth, but the Spirit giveth life.” But there is that which is more binding than any parchment bond, there is that which is more enduring than words in ink, written by quill or steel—there is the union of hearts, and it is that union which I hope to see in the future, as in the past, but warmer and firmer, between these two great peoples; two peoples as I have said descended largely from the same stock, with the same language, the same literature, the same religion, having every aspiration in common, must needs, so long as the moral law is moral law, so long as God sits on his throne, stand side by side and march side by side if necessary for the cause of truth and justice and righteousness. And it is that union to which I am wont to apply those beautiful words of your own great poet:

“Sail on, O Union, strong and great!  
 Humanity, with all its fears,  
 With all the hopes of future years,  
 Is hanging breathless on thy fate!  
 Sail on, nor fear to breast the sea;  
 Our hearts, our hopes are all with thee;  
 Our hearts, our hopes, our prayers, our tears,  
 Our hopes triumphant o’er our fears  
 Are all with thee,—are all with thee!”

(Applause.)

THE CHAIRMAN: Mr. THEODORE MARBURG, of Baltimore, will submit some observations on the argument made by Mr. Dennis.

## THE ARBITRATION TREATIES OF 1911

### REMARKS OF MR. THEODORE MARBURG

I seem called upon to perform the function of a question mark in this Conference. It is my duty now to question some of the conclusions reached by Mr. Dennis in his searching and helpful analysis of the peace treaties. The matter is too serious and too important to go undiscussed. I am going to ask you to consider with me certain phases of it.

True liberty is attained only through restraint. Plato defined the free man as he who is sufficiently master of his passions to be governed by reason in choosing between good and evil. In the light of this definition are the nations free to-day? Is there any one of them that would not abandon part or all of its armament if it were free to do so? They can reach liberty only



through wise restraints which they may agree jointly to impose upon themselves. These treaties constitute a step in this direction.

And what about the theory of righteous wars held by the arch-opponent of the treaties? Can the society of nations be free so long as individual nations are unrestrained in the application of that? Manifestly, the difficulty about that theory is the question who is to determine righteousness! Every nation thinks its cause is righteous. If it is a big nation and a powerful nation, it knows its cause is righteous and can prove it! If the "holier-than-thou" group were encouraged to prowl around the world seeking a chance to discipline the backslider, society would be worse than a Donnybrook.

Mr. Dennis made an admirable defense of the treaties as framed and signed on August 3rd. It was when he reached the point where he took the position that the value of the treaties had been entirely destroyed by the Senate amendments that I found myself at the parting of the ways with him.

Let us compare the treaties as amended by the Senate with the existing treaty of April 4, 1908. First of all we have a great preamble in the new treaty of August 3, 1911. I shall refer to the English treaty only, because the French treaty is practically identic. That preamble obligates the two nations to settle all differences peaceably. If it were a treaty between an enlightened power and a backward power, or between two backward powers, the preamble might have little value. But you have here a treaty between two great moral nations, with traditions of self-respect, with traditions of honor and of living up to their obligations. For them the preamble must constitute a great moral obligation.

Next, under the treaty of 1908 questions of honor are excepted. In the new treaty they are included. Under the treaty of 1908 questions of vital interest are excepted. Under the new treaty vital interests as a category are not excepted, but only certain specified vital interests. Isn't a treaty bigger, broader, which excludes from arbitration only certain specified vital interests rather than excluding questions of vital interest as a category, with the possibility of nations reading into that term anything they have a mind to?

Then, we still have in the amended treaty the Joint High Commission of Inquiry. The Senate struck out the third clause of Article III, but that clause provided only that the commission of inquiry should decide whether a question was justiciable or not. Striking out that clause did not strike out the provision for the commission of inquiry. We know how a possible war between England and Russia over the Dogger Bank affair in 1904 was avoided by referring the episode for investigation to the International Commission of Inquiry at The Hague. We know how,



for many years, labor disputes in the public service corporations of Massachusetts have been composed by inquiry. We know how, under the wise provisions of the Canadian Trades Disputes Act, the mere investigation of facts, without any pronouncement pro or con, has quieted disputes. The experience of our own Bureau of Corporations supports the view that merely turning on the light serves to correct not only illegal practices but unjust practices as well and does it without resort to a court of law or even to arbitration.

Under the treaty of 1911, if one of the countries demands it, questions must be referred to the Joint High Commission of Inquiry. In the old treaty of 1908, which, by the way, expires next year, there is no such provision. Of course it is always possible to go outside of the existing treaty; we may resort to The Hague Commission of Inquiry, and when we do that, we find there a commission of inquiry superior to that which would be organized under the first alternative offered by the new treaty. The Hague Commission of Inquiry provides for only one national of each disputant, the balance of the commission being non-national. Such a commission is superior to one composed of three nationals of each of the disputant nations, as provided under the first alternative of the treaty of 1911. But the treaty of 1911 states that the commission "may be otherwise constituted," and under this second alternative we may aim higher than the constitution of the Hague Commission; we may get a commission composed entirely of non-nationals, and I believe that even the United States Senate, under the pressure of public opinion, may at some time—not to-day or to-morrow, but in the course of a measurable number of years—be brought to that high position of constituting the commission entirely of non-nationals.

Another feature of inestimable value still remaining in the new treaty is the provision for a delay of one year, if desired by either party, in the reference to the commission of inquiry. Let some episode like the Casa Blanca affair stir up bad feeling between two nations and the value of such a provision becomes at once apparent.

Mr. Dennis has expressed the opinion that there is no possibility of war ever arising between the United States and Great Britain or between the United States and France, and that therefore the treaties signed August 3, 1911, were of value only as a type which we were to follow in framing treaties with other powers. I venture to question that conclusion. Only yesterday we were on the brink of war with England over the Venezuelan question, and but for England's splendid magnanimity at that time, we should have had a war unspeakably disastrous.

There is always danger that a similar situation may arise. If we had had a treaty like this, had had a commission of inquiry,



reference to which was compulsory on the demand of one country, is it likely Mr. Cleveland would have sent his warlike message?

We come next to the provision for the settlement of justiciable questions. Serious effort is being made to establish a true international court of justice, for which this Conference has stood almost from the beginning. Is there any better way to set such a court going, when established, than to provide for the arbitration of justiciable questions? Both the President and the Secretary of State put those words "arbitral tribunal," into this treaty advisedly, with a view to making use of the prospective Court of Arbitral Justice. When that court shall have been established, when it shall have won the confidence of the world, all questions under Article I (justiciable) will naturally go to it; so that, instead of waiting for years for the court to come into operation, we shall find cases ready for it. We know how easy it is to interpret into any question a legal element when the nations are so disposed. As Mr. Justice Riddell has just said, it is the disposition of mind between the United States and Canada which has made possible a peaceful settlement of our disputes and it is a disposition of mind which will find a legal element in questions when there is machinery at hand for dealing with such questions.

Just one word more in regard to the specific questions withdrawn from arbitration by the amendments to the treaty. I need not enumerate them; you are familiar with them. All of them, excepting the question of territorial integrity, are questions which the advocates of this treaty said could not be arbitrated under the treaty anyway. And remember that we are relieved by the amendments only from the obligation to *arbitrate* these questions; we are not excused from the obligation, imposed by the preamble, to find a way to adjust our differences peaceably. The treaty provides for the arbitration of justiciable questions, the President regarding arbitration as essentially a judicial process. But arbitration is not the only means of settling disputes. We may turn to diplomacy, to mediation, inquiry, or to new devices yet to be set up. The important thing is that this great preamble stands above the exceptions, obligating two great moral nations to settle all their disputes without resort to war.

After the defeat of the Olney-Pauncefote treaty we waited fifteen years for another all-inclusive treaty, the treaty now under consideration. If we fail to proceed with it, what assurance is there that another decade will not go by before we take this momentous step? To frame a treaty similar to the original treaty of August 3, 1911, with some new power, in the hope of getting the Senate to reverse its position, is not promising. Would not that body make answer to the executive department

of the government "we have but recently declared that we would not make such a treaty. Why do you come to us with another?" (Applause.)

THE CHAIRMAN: Upon this topic, in conclusion, we are to hear briefly from the successor in Boston of our long-time friend and leader and ornament of this Conference—Dr. Hale—Rev. Dr. EDWARD CUMMINGS, of Boston.

## REMARKS OF REV. DR. EDWARD CUMMINGS

Mr. Smiley began the Conference by stating that he was an optimist—I think he said of the first class. He enumerated many reasons why everybody ought to be an optimist. And other speakers have brought forward many additional reasons why we all ought to be optimists of the first class.

I feel, first of all, that we ought to show our optimism by sending our profound congratulations to the President of the United States. It is a good time to congratulate him. He has troubles of his own; and I am quite sure that it would be pleasant for him to realize that this Conference feels that he is to be congratulated, perhaps above all other men, for the record which he has made for himself and for the cause of humanity in these last few months. Whatever else has happened, we are able to congratulate him that his position is assured in the history of the world! (Applause.) I think in the second place that we might congratulate the American people on having shown such splendid capacity for rising to an appreciation of the high ideals he has set before them.

Sometimes—as in some paragraphs of the speech the Chairman made yesterday—people are inclined to intimate that the public needs a vast amount of elevating and educating. Well, it is worth while remembering at such times how largely our people put their minds and hearts into the splendid idealism which was represented in the great popular movement for the ratification of the arbitration treaties. The trouble really is, we let the public down too easily and too frequently. If you do not keep the high ideals constantly before them, if you do not have the machinery which the people who are advocating other things have and use,—then you must not blame the people too much for following those who are better organized and those who on the whole appeal more strongly. Personally, I agree that the people of the United States, like myself and I dare say like yourselves, do need a good deal of educating; and for that very reason I believe that it is up to us and to all advocates of this movement to keep the school of peace going all the time. If, as we believe, the issues which we represent are absolutely fundamental for the welfare of our country and the future of civilization, we ought in times of political agitation like the present, to keep saying to



the people, "Remember these things, and remember who stands for these things."

It is said of a distinguished French philanthropist that he ordered his servant to wake him each morning with these words, "Remember, Monsieur le Comte, you have great things to do to-day!" That, I believe ought to be the inspiring motto written in the heart of every friend of the peace movement, "Remember, you have great things to do to-day!"

For there never were greater things to do than you are called upon to do to-day; there were never things so important for individual morality, for the success of your own country, or for the welfare of civilization. There never was greater opportunity for men and women to do godlike work. And I believe that this Conference is furnishing inspiration for that work.

You want help, because you have such great things to do. To whom shall you go for help? "Oh," you say, "we have arranged to go to the schools. We have Mrs. Andrews and a lot of other useful people to attend to that." It is a good thing to go to the schools, and train the rising generation to help the great cause.

Then you say, "We are going to the universities." Good, you need to go to them vastly more than you have done. You need to teach them that the one great lesson written on every page of universal history is that this is a dying world; that histories are nothing but obituaries; that the verdict of history is thus far a coroner's verdict. One civilization after another has gone down because it was not able to find the law of life; and you need to teach them that one of the great diseases of which civilizations have died is this disease of strife and war which you are trying to prevent. Teach them these things. It is good economics; it is good philosophy; it is the only way to profit by the lesson of history. Teach them the next great step forward in the process of evolution. Teach them that there are nothing but families in the world—social, industrial, political families, municipal families, national families, and most and best of all this new family of nations which in the process of evolution you have the infinite opportunity and satisfaction of helping into existence. Teach them that there are nothing but families in the world, and that the supreme law of life—economic, social, political life, national and international life—is the great family law, of the rational devotion of the strong to the weak, which makes the weak strong, and the strong stronger, and the whole world better. That is the real lesson. Go to the young men and women in our universities and make them strong to do their part in the great work.

You are also going to the churches, you tell me. Yes, go to the churches. Your great peace President has virtually been asking us to take our religion at least a little seriously; to re-

member what religion is, what it stands for,—the great Divine family, and the family ideal of co-operation and devotion of strong to weak. Teach them that every church is a peace society,—or it does not deserve the name of church. Teach them that the people in the pulpits and the people in the pews are recreant and false to their ideals unless they make of their organization first of all a great means for the propaganda of the gospel of peace and good will.

And let me add just one word more. After you have done these things,—after you have gone for help to the children in the schools, and to the youth in the universities, and to the men and women in your churches,—then one thing more. Go to the people! Democratize the peace movement! We are too good. That is the trouble with our peace movement. We are too select. I do not see here representatives of trade unionism, of labor,—the men whose words sway thousands upon tens of thousands. Your documents and publications about peace do not get to the great mass of the people. (Applause.) Go to them; educate—not your rulers, as has just been said,—but educate your brothers and your sisters in the great social, industrial and political family. Until you democratize the peace movement, until you meet here in this great council with the representatives of that great body, without whose co-operation we gain nothing, you will never attain your high ends! (Applause.)

THE CHAIRMAN: I think it will interest the Conference and the last speaker to know how far the peace movement has gone in these recent years. There are trade unions in the United States which set apart one evening a month for the reading and discussion of the literature which reaches them on the subject of peace and arbitration, and they were among the most effective supporters, by petition and resolution, of the movement for the ratification of the recent treaties. In Great Britain the most effective peace organization in existence was founded by a working man and is to-day supported and kept in vigorous operation, after his death, largely by representatives of the Labor party in and out of Parliament. In Germany and France the great labor organizations were the chief consumers last summer of the document written by Lord Haldane on “An Appreciation of Germany,” at a time when the contention was at its greatest. It is rather surprising how profound and intense the interest in peace and arbitration is among the better informed working class, wage-earning element in this and other countries. (Applause.)

We now pass to the second topic of the morning, “International Courts.” I have the pleasure to present as the first speaker a representative fellow citizen from the State of Georgia, formerly President of the Bar Association of that State, and one who has been honored by his fellow citizens with election,



not only as Mayor of Savannah, but at different times to each of the two branches of the Georgia Legislature, Honorable PETER W. MELDRIM.

## WHY A REAL INTERNATIONAL COURT IS NEEDED

ADDRESS OF HON. PETER W. MELDRIM

That peace is a blessing and war a curse; and that the peoples of earth prefer peace to war, are truisms. The object of an international court is to settle controversies between nations without war, and the question is: How can that result be best attained? Permanent and universal peace cannot, in reason, be expected. No system of law and no tribunal have ever yet been devised that can absolutely prevent wrong and bloodshed among natural persons. But just laws and their rigid enforcement lessen the violation of the rights of persons. If the rights of nations could be determined by law, and the judgments pronounced by the law enforced, then there would be a reduction to a minimum, of the violation of national rights and the preservation, to the largest degree, of the world's peace. Mere sentimental appeals for peace avail little. If peace is to be won, it must be by enlisting, in the army of peace, the same strong forces that give victory in war. Peace will never come through the denunciation of a nation's heroes. It will never come by the destruction of the military pride and spirit of a people. It had better never come than come crawling, in base submission to wrong and insult. A just war is better than a dishonorable peace; and no greater curse can befall a people than the destruction of that patriotic spirit which stands ready, in a cause that is just, to rally to a nation's colors and to take no account of blood or treasure expended in their defence.

Rear-Admiral Mahan, in one of his articles, insists, that "the inter-relations of independent States are not susceptible of establishment and adjustment upon a basis of law." And he asks: "Will a power like Germany willingly forego the prospect of national aggrandizement and the hope of territorial gain?" These two objections, one general and the other specific, are not without force. The objection as to Germany and other nations similarly situated is hardly proper to be discussed here, and it is not necessary to answer the question, for the reason that an international court of justice would have no jurisdiction over a nation that did not voluntarily become a party in that court. I assume that "national aggrandizement and the hope of territorial gain" may be realized without war, and that the people of Germany are no more inclined to engage in an unrighteous war than are the people of other civilized nations.

If the inter-relations of independent States are not susceptible



of establishment and adjustment upon a basis of law, then an international court of justice is an idle dream. But we are at a loss to comprehend why these relations may not be established and adjusted by law. The difference between Admiral Mahan and his school of thinkers and those who insist that judicial determination of international disputes is wise, humane, patriotic and practicable, is more apparent than real, and is due to the fact that definitive words are not used by the respective schools in the same sense. If by the term "law" is meant "a rule of civil conduct prescribed by the supreme power in a State," then the inter-relations of States could not be established and adjusted by such a rule, because the supreme power in a State is the sovereignty of a State, is the State, and the State cannot be sovereign and subject at the same time. But it does not follow that sovereign and independent States may not submit their controversies to judicial determination. The States of this Union, in their relations with each other, are separate, sovereign and independent, and yet, under the constitution, they have delegated to the judiciary the power to hear and determine controversies between States. There is no more reason why the nations cannot grant to a tribunal the power to hear and determine controversies between them, than there was to inhibit the federal judiciary from determining controversies between the States in the American Union. So the term "international" is used in too restricted a sense. An international court should not only take jurisdiction over matters pertaining to and mutually affecting nations, but it should also take jurisdiction of matters governed by private international law, and this should be so, because such matters most frequently involve nations in war.

Mr. Justice Bradley, in the *Crutcher* case, in 141 U. S., says: "The prerogative, the responsibility and the duty of providing for the security of the citizens and people of the United States in relation to foreign corporate bodies or foreign individuals with whom they may have relations of foreign commerce belong to the government of the United States." This duty thus resting on the government of the United States to protect private rights with foreign bodies or individuals can only be discharged by diplomacy or war. We desire to avert war, not only for the sake of economy and humanity, but for the stronger reason that the decision of the sword is not always just. On the contrary, the stronger power is usually not only the victor but the aggressor.

Diplomacy can accomplish much, and through it differences may be adjusted, arbitrations agreed to, and treaties entered into; but diplomacy is devious in its methods, uncertain in its results and utterly helpless to enforce the conclusion which it reaches. Arbitration is not usually satisfactory in private matters, and it cannot be hoped to be more satisfactory in international affairs.



Arbitrators are not trained jurists, and, instead of deciding according to the customs of the law, seek to accommodate the difference in that manner which to each arbitrator seems to him to be most in consonance with his own views of justice and equity. So far as possible, the rights of nations, like the rights of individuals, should be determined by fixed and well-established rules of law. The nearest successful approach which we now have to the settlement of international controversies is in the increasing number of treaties that are being entered into between nations. Yet, treaties at best are but poor substitutes for a great international court. In this country two-thirds of the Senators must concur in a proposed treaty. Whether that limitation on the treaty-making power is founded in wisdom or in folly, it is not now necessary to decide, but this much is true, that however desirable it might be to us that other countries should enter into treaties with us, yet, such treaties cannot become effective without the advice and consent of two-thirds of the Senate. How far party zeal, or popular prejudice, may prevent the consent of the Senate I do not pretend to say, but we must recognize, in the light of the debates in the Senate on the general arbitration treaties, that to make treaties comprehensive enough to cover all justiciable matters is a legislative impossibility. Even if such treaties are made, they are inelastic, and like the terms of any other written contract, must stand as they are written. Unlike a contract between persons, which can be construed by the courts and enforced by lawful process, the construction of a treaty is by the parties thereto, deciding in passion as judges in their own case, writing their opinions in blood, and seeking to enforce them by the sword.

The logical conclusion is, that these controversies should be judicially determined by a tribunal, wherein parties receive their dues and are accorded their rights. This result can be best attained in a court duly constituted, the time and place of its sessions being fixed, and its jurisdiction clearly defined. I am aware that objection has been made to submitting questions of national honor and vital interests to arbitration, and I assume that like objection would be made to conferring unlimited jurisdiction on an international court, but, at first, the jurisdiction could be limited, and subsequently enlarged, if found wise to do so. At all events, there should be no question as to the jurisdiction and power of the court, while its procedure should be simple and its process effective. There should be no distinction between legal and equitable rights. The decisions of a great court would become precedents and develop a system of law by which the relations of states would be governed and their controversies determined.

That controversies between nations do arise is conceded. That they should be settled is admitted. A decision by war is not nec-



essarily a righteous decision. A settlement by diplomacy is most uncertain. A determination by arbitration is usually crude and unsatisfactory, while diverse construction of treaties lead to controversies which being settled neither by diplomacy nor arbitration result in war.

The most interesting question to me has been, not who shall be the parties, not what shall be the jurisdiction, not what shall be the pleadings and practice, but how can the decrees of the court be enforced. A judgment, decree or sentence is enforced by levy, attachment or arrest. Back of sheriff and marshal stands the power of the State and Government, and the Governor of every State and the President of the United States are sworn to enforce the process of the courts. So it is in the enforcement of law in every civilized country. How then can the decrees of an international court be enforced? They can and should be enforced in the same way. Back of this court should be the armies and navies of the nations. Moral force may be sufficient to enforce the performance of a decree, but that force is greater when back of it is a physical force ready to support it. If the nations would agree to the creation of an international court of justice, contracting to sustain the decrees of the court by force of arms, then military and naval establishments could be reduced, so that the army and fleet of a nation need only be large enough in co-operation with the allied armies and fleets of the other contracting parties to enforce the final judgment of the court, and thereby protect rights, redress wrongs, and preserve the peace of the world. (Applause.)

THE CHAIRMAN: As the next speaker I present the Chief of the Bureau of Trade Relations of the State Department, Mr. JOHN BALL OSBORNE.

## THE SETTLEMENT OF COMMERCIAL DISPUTES BETWEEN NATIONS BY THE PEACE SYSTEM

ADDRESS OF HON. JOHN BALL OSBORNE

There is nothing about a commercial dispute between nations to justify its sharp differentiation from other disputes as regards the broad policy of arbitration. It might also be suggested that several of the twelve cases that have thus far been referred to the Arbitration Court at The Hague, of which at least nine have already been decided, involved questions affecting the business interests of the litigant countries. For example, the North Atlantic Fisheries case involved the American fishing industry; the Venezuela preferential case related to claims arising in part for money loaned for the construction of public works, while the Orinoco Steamship Company case related to a claim founded on a concession for steam navigation in Venezuela. In some aspects



therefore, these cases might come under the head of commercial disputes; but, nevertheless, none belongs precisely to the class of cases that I had in mind when I selected my subject.

My purpose is to advocate recourse to an appropriate international tribunal for the amicable adjustment of commercial differences between nations which have been diplomatically espoused by their respective governments and which diplomacy has been unable to settle after a reasonable time, thereby causing substantial disturbance and loss to the business relations between the countries concerned. It is understood also that these are cases where either the complainants have exhausted their judicial remedies in the foreign countries or no adequate remedies exist for them.

The primary purpose of the founders of The Hague Court was to provide for the peaceful settlement of only those disputes which threaten war between the parties. This was what the "August Initiator" had in mind; this was what the First Conference sought to accomplish, and this was what the Second Conference sought to perfect. Even the project for an international tribunal which Secretary Hay gave to the American delegates to the Conference of 1899 contained the words "in order to aid in the prevention of armed conflict by pacific means" as the avowed purpose of the proposed court. But the serious extension of the policy of arbitration to commercial and minor disputes between nations is a matter that is left to the Third Conference, which presumably will be held in 1915.

The Hague peace system was measurably improved and developed by the work of the Second Conference in 1907. The Permanent Court of Arbitration, which has steadily risen in favor, and the International Commission of Inquiry, which had amply justified its existence by its usefulness in the Dogger Bank incident of 1904, were revised and improved in the light of the previous experience of eight years. An important change was the introduction of the Court of Summary Procedure.

Another equally important innovation was the provision looking to the establishment of an International Prize Court to settle peaceably and by judicial methods controversies arising between different states involving the validity of capture in time of war. According to the plan of this tribunal the judges are to be selected in rotation from the different countries, some of the great powers to be permanently represented on the bench. The outlook for this prize court is so promising that the proposal has been made on the part of the United States that, when established, it act as an international court of arbitral justice, having regular sittings and a wide jurisdiction, precisely like the Supreme Court of the United States.

The advocates of a new court of arbitral justice, to supplement,



but not to supersede, the present Court of Arbitration at The Hague, point out that the tribunal established by the First Conference is not really a permanent court, since it is not permanently in session, but must be constituted anew each time by the joint act and co-operation of the parties litigant. In fact, as regards permanent status, it is little more than a panel of judges, in the nature of a jury list, available for selection as the occasion arises. Notwithstanding the improvement to be expected from the introduction of the new system of summary procedure, The Hague Court is considered by many as too cumbersome for ordinary use and a trial before it is undoubtedly very expensive. Excepting where highly important international issues or large sums of money are involved, the tribunal is not likely to be much used.

These considerations have led the United States, from the outset, to favor the establishment of an international court of arbitral justice which shall be permanent, free and easy of access, with wide jurisdiction and regular sessions, and with its machinery always in readiness, so that cases of minor importance, as well as issues of fundamental importance, may be submitted for reasonably expeditious and inexpensive settlement. This court would be composed of judges representing the different judiciary systems of the world and capable of insuring the continuity of arbitral jurisprudence. Such a court has been strongly advocated by President Taft and Secretary Knox, and its establishment will surely constitute one of the most important features of the work of the Third Conference.

It is not difficult to cite several cases in the recent experience of the United States government that might appropriately be submitted to an international tribunal such as I have in mind. Two or three, however, will suffice for the purpose of illustration. One is the famous potash controversy between the United States and Germany. It involved the nullification by an Imperial German Law of the advantages of certain contracts made by American citizens for the purchase in Germany of large quantities of potash, a commodity in which Germany enjoys a virtual commercial monopoly and which is a veritable necessity in our own industrial economy, being used in this country to the value of \$12,000,000 annually as a fertilizer and in the manufacture of chemicals and high explosives, American industries representing an investment of \$500,000,000.

These American contracts called for an extremely low price—about \$20 a ton for muriate of potash, delivered United States ports—while the German syndicate price was then about \$34 a ton. The contracts were made in good faith at a time when there was an open market, by reason of the temporary dissolution of the German Kali Syndicate. A few months after the making of the contracts the German Parliament, having them before it,



enacted the Potash Law on May 25, 1910, which regulated the production and distribution of this product, and imposed a penalty tax, amounting for muriate to about \$22 a ton, on the production of any mine in excess of the quota allotted to it by the government under the law. The quotas allotted to the syndicate mines were large enough to supply the entire trade of the world, while the allotments to the two independent mines with which the American contracts had been made were limited to one-fourth of their actual sales to the Americans. Hence the law made it impossible to carry out the terms of the contracts and thus virtually invalidated them. This action affected the price of potash used by two million American farmers besides the manufacturing uses, involving consumers in nearly all the states along the Atlantic Coast and in the tobacco and cotton belts of the south, the product being used in the culture of cotton, tobacco, grain, hay, potatoes, fruit and other crops.

Struggling for their contract rights, the American interests held repeated conferences with representatives of the German Kali Syndicate, and the Department of State used its good offices in their behalf, in the hope of enabling them to reach an agreement which would leave unimpaired the contract rights of American citizens. In the final settlement the original contract prices were not recognized, although fortunately a substantial reduction in the price of potash was obtained as the result of the activities of the Department of State.

In this controversy Germany denied that the law had been framed with the intention of discriminating against the United States, and claimed that it was designed to correct abuses in the potash industry and to conserve the natural resources of the Empire. Germany further contended that the American buyers had agreed in their contracts to pay any "governmental charges" and that this language would include the excess-production tax. It was also pointed out that the courts of the Empire were open for remedial justice under the contracts.

This is a brief and necessarily incomplete, synopsis of this extremely complex and difficult controversy which involved so many novel points as respects conflicting systems of jurisprudence and national legislative policies that it is no matter of surprise that the good offices of diplomacy should fail to adjust it. It is my own opinion that it might properly have been referred to an international tribunal such as I have in mind had there been one in existence. While some phases of the case might not appear to be justiciable, it would seem that the entire controversy might be brought within the sphere of international conciliation without impairment of vital national interests or domestic policies.

Another stubborn and difficult commercial question is the controversy between the Austrian government and the Vacuum Oil



Company in relation to its business operations in Austria. This Company is American owned, but incorporated under the laws of Hungary and permitted to do business in Austria. Some years ago it established an extensive plant in Austria in order to participate in the petroleum business of that country. According to the complaint of the Company, the Austrian government has, since 1910, enforced against it a series of drastic, repressive and confiscatory measures, with a view to forcing it either to comply with certain requirements which it believes are unjust, or to go out of business. These measures include preventing the Company from obtaining supplies of crude oil, compelling the removal of its tank cars from the Austrian State Railways and otherwise depriving it of necessary transportation facilities, and suspending the distribution of its products in tank wagons. As a result of the controversy the Company's plant worth several million dollars stands virtually idle.

The Vacuum Oil Company has invoked the stipulations guaranteeing mutual liberty of commerce in the commercial treaty of 1829 between the United States and Austria-Hungary, and has claimed the right to do business on the same favorable terms as are accorded by the Austrian government to a similar company representing another foreign nationality. Like restrictions had been imposed by Austria on this other corporation, but these were withdrawn, it is claimed, as the result of diplomatic representations. So far the most earnest efforts to secure remedial action by Austria in the case of the Vacuum Oil Company have been unavailing.

Still another case which naturally comes to mind in the experience of the United States government in recent years is the persistent refusal, on sanitary grounds, of the governments of Germany, France, the Netherlands, Austria-Hungary, and all the Scandinavian countries to admit American live cattle for slaughter. It is claimed that these cattle are liable to be infected with Texas fever, or perhaps tuberculosis. The government of the United States has repeatedly assured foreign governments that the system of federal inspection surrounding the preparation and shipment abroad of live cattle is so thorough as to furnish a sufficient guaranty against the introduction of animal diseases and that hence the prohibition of the importation of American cattle constitutes a discrimination against the United States. Our government has further declared that the sanitary conditions in this country, at least in the regions whence exportations would be made, are not such as to justify the continuance of the foreign restrictions and it has invited those governments to send to the United States an official commission of inquiry. These proposals have not been accepted and the discrimination continues. It would seem that this, too, is a question that might easily be settled



by some method of international conciliation—perhaps even by an international tribunal, which might find it desirable to despatch an impartial commission of inquiry to the United States to investigate and report the facts to the court.

While modern commercial disputes between nations do not ordinarily endanger the peace between them, they are always irritating and usually prejudicial to international amity and good relations. Not infrequently they are a menace to mutual trade development. At one stage the potash case threatened a commercial war between the United States and Germany, an event that would have been most disastrous economically to both nations, involving directly an annual foreign commerce of \$450,000,000, of which American exports represent \$300,000,000, and indirectly scores of productive industries in both countries, with their myriads of workers. The United States has never had a tariff war with any great commercial power, and the extent of the calamity can only be conjectured from the sad experience of France, first with Italy in the years 1888 and 1889 and then with Switzerland from 1893 to 1895.

The consequences of the Franco-Italian tariff war were very serious to both countries. In 1887, the year before the conflict, French exports to Italy were valued at \$63,000,000; in 1888 they fell to \$30,000,000. In 1887 Italian exports to France amounted to \$60,000,000; in 1888 to only \$35,000,000, and in 1889 to only \$26,000,000. In 1887 France took 78 per cent of Italy's exports of wine to the world, but in 1888 only 45 per cent. France suffered particularly in her exports to Italy of silk, cotton, and woollen goods. Only partially did either country find other foreign markets in which to recoup itself for the losses. Both the contending nations were greatly injured and the competitors of each were the only ones to profit by the struggle. The disturbing effect on the mutual commerce of this tariff war lingered for ten years, although acute hostilities were at an end by 1890.

It was much the same with the Franco-Swiss tariff war. Each side suffered severe loss in trade and none was benefited excepting the commercial rivals of the combatants. French exports to Switzerland fell from \$44,000,000 in 1892 to \$25,000,000 in 1894, and, in the same period, Swiss exports to France decreased from \$18,000,000 to \$13,000,000. France's export trade in wine, sugar, clothing and cattle was greatly impaired, while Switzerland suffered most in her exports of silk and cottons.

It is not amiss to remind you that the potash dispute, which was not a tariff question, threatened a tariff war between the United States and Germany which, for magnitude of consequences, would have eclipsed either the Franco-Italian or the Franco-Swiss tariff war. I believe, therefore, that no one will question the great desirability of affording an easy means of ad-



justing amicably commercial differences between nations that have been diplomatically espoused and yet cannot be settled through this agency. The establishment of an international tribunal such as I have indicated, with ancillary machinery for inquiry, conciliation, and compromise, would popularize the cause of international arbitration among business men throughout the world by facilitating the reference to it of those disputes in which they are particularly concerned, and the very existence of the system would doubtless exercise a salutary deterrent influence on any government that might be disposed to treat unfairly the commercial or financial interests of the citizens of another government in its territory.

I have anticipated that some one might raise the objection to my proposal that commercial disputes between nations be submitted to any international tribunal, that this is not practicable unless they involve questions of international law or relate to the interpretation of commercial treaties existing between the governments that have diplomatically espoused the disputes.

I would say in reply that I recognize fully that there are some commercial disputes between nations that are not suited for this treatment, particularly if they relate primarily to some well-defined domestic policy, for example, a national tariff policy. At the same time there are commercial disputes that, while apparently not susceptible of trial by a strict, perhaps technical, arbitral court, are yet susceptible of amicable adjustment by the machinery of a flexible arbitral system such as I have in mind.

I wish, therefore, to lay all possible stress on this proposition: If it is desirable to arbitrate every dispute between nations that may lead to political war, it is equally desirable to adjust amicably by the same peace system every controversy beyond the powers of diplomacy which may lead to a trade war with all its disastrous consequences. (Applause.)

THE CHAIRMAN: The concluding paper of the morning will be presented by Mr. EVERETT P. WHEELER, of New York, the eminent Chairman of the Committee on Law Reform of the American Bar Association, who has as his subject, the "Presentation of Claims to the Hague Tribunal."

## THE PRESENTATION OF CLAIMS TO THE HAGUE TRIBUNAL

ADDRESS OF MR. EVERETT P. WHEELER

In the present position of the cause of international arbitration, we should bear in mind that the mere enactment of any legal proposition, however wise, is of itself insufficient. As Professor Pound of Harvard has recently pointed out, one of the most important points in the study of the problem of jurisprudence is to



consider "the means of making legal rules effective. This has been neglected almost entirely in the past. We have studied the making of law sedulously. It seems to have been assumed that when made, law will enforce itself." \*

When the first Hague Convention was adopted, many diplomats were of the opinion that it was no more than a pious wish which would never be made effective. We owe it to President Roosevelt that when the controversy arose between Mexico and the United States with reference to the disposition of the so-called "pious fund," the controversy was referred to the Hague Tribunal. Since that time the court has held numerous sessions and has disposed of some important controversies. But during more than half its existence, it has not been in session. Little attention has been paid to the important task of making the access to that Tribunal more easy. The old diplomatic methods have largely been retained. These took no account of an international tribunal capable of deciding controversies between citizens of different countries. There is perhaps nothing more conservative than diplomacy.

I speak to-day of that great body of controversies which consist of claims against a sovereign state by citizens of another sovereign state. The courts of England and America on the whole have been disposed to hold that such controversies can only be dealt with through diplomatic channels. Perhaps no case has gone so far as that of the *American Banana Co. v. United Fruit Co.*, reported 213 U. S. 347. This was an action brought by one citizen of the United States against another. It was alleged that this defendant, an American citizen, in violation of the Sherman Act and for the purpose of creating a monopoly of the trade in bananas between Costa Rica and the United States, had procured the Republic of Costa Rica to seize the plaintiff's plantation, to drive away the plaintiff's workmen, and to destroy the plantation itself. The Supreme Court of the United States held distinctly that this was not a justiciable controversy; that inasmuch as it was alleged that the defendant had obtained the aid of a sovereign state to commit the alleged torts, and they had in fact been committed by officials of that sovereign state, no court had the right to award damages for the injury that the plaintiff had sustained, and that its only redress was through diplomatic channels.

The British courts before this time had held that the validity of an Act of State, as it was called, of a foreign government, could not be inquired into by a court of justice. To use the language of Lord Campbell in the Duke of Brunswick's case, 2 House of Lords 1, 27:

"The Lord Chancellor, I presume, would not grant an injunc-

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\* Harvard Law Review, Vol. 25, p. 514.

tion against the French Republic marching an army across the Rhine or the Alps."

But no English decision in my judgment had gone quite so far as this American decision. Nevertheless the last word from the Supreme Court declares the law of the United States, and justly receives great consideration from the highest courts of other nations. We may therefore consider that for the future, unless legislation should provide a new remedy, controversies such as that which form the basis of this particular litigation, will be presented through diplomatic channels.

It is, however, obvious that such controversies are, in their own nature, the subject of decision by an international tribunal. Whether the act of a sovereign state in evicting citizens of another state from property of which they were in the peaceable possession and in destroying this property, is or is not lawful, is in its nature capable of decision by an impartial tribunal. Yet it is precisely such controversies that have frequently been made the occasion or pretext for war. The war now pending between Italy and Turkey was declared for the avowed purpose of redressing injuries of this character, which had been inflicted by the Turkish government or its citizens upon Italian citizens who were lawfully in that part of the Turkish Empire known as Tripoli.

Inasmuch as the whole object of the movement for international arbitration is to prevent war, and since wars have been frequently occasioned by controversies of this sort, it would seem obvious that we should at least attempt to facilitate the adjudication of such controversies before the international tribunal at the Hague.

It is equally clear that the more we facilitate the reference of controversies to this tribunal, the more speedily shall we obtain a permanent court of international justice. The main reason—perhaps the only reason—for the character and composition of the present Hague Tribunal, is that very few controversies are referred to it; that a permanent court would not have business enough to occupy it, and that therefore it would be unwise to establish a permanent court.

And now leaving generalities, let us come down to particulars. The present method by which claims of the character mentioned are prosecuted is this: A petition is presented to the State Department, setting out the grievance alleged and asking the government to present the claim to some foreign power. An appointment is made with the Secretary of State. Counsel for the claimant undertakes to present the claim. While he is in the midst of his statement, the telephone bell rings. It is perhaps the President who desires to confer with the Secretary of State. Public business is, of course, more urgent than the private claim, and the counsel stops short in his argument and has it deferred to another



day, while the Secretary attends to the more urgent business put before him by the Chief Executive. Or perhaps the Ambassador from Siam is announced. It would, of course, be highly discourteous for the Secretary of State to refuse to receive the Ambassador of a foreign state. The hearing then is by this interrupted, and the counsel for the claimant is remitted to some other day. This day may well be remote. The Secretary of State of the United States is a very busy person, who has before him a thousand matters of great importance to the public welfare, and it is not possible that the representative of a private claimant should see him whenever, in the interest of his client, he might desire to be heard.

But let us suppose that the counsel has been heard by the Secretary. The next step in the proceeding is to refer the matter to the Solicitor for the State Department. The Secretary of State naturally desires a report from him. Accordingly the counsel attends before the Solicitor. It is true that in this hearing counsel is not interrupted by a visit from any Ambassador, but the telephone bell is just as cogent an interrupter as a visit from an Ambassador. There are, of course, many matters of great importance concerning which the Secretary requires to confer with the Solicitor, and it is needless to say that the argument of counsel loses very much of its force in consequence. But let us suppose that the counsel has been heard before the Solicitor.

It may easily happen that the very next day some public exigency may arise which may require the Solicitor to defer the consideration of the plea to a more convenient season. It may be important that the Solicitor should attend at some diplomatic conference in Europe. He may be called upon to take part in presenting a case on behalf of the United States before this very Hague Tribunal. So it may very well happen that the exigencies of public business prevent the Solicitor from passing upon the claim. He may be transferred to another post of duty, and the matter may thus have to be presented to a second—sometimes to a third—Solicitor. It is, alas, the fact that the salary of Solicitors of the State Department is not what it ought to be. It has frequently happened that a lawyer, most eminently qualified for that office, has been called away from it to some other more lucrative position, and there must be a successor who will take up the business of the Department *de novo*.

Again, let us assume that these various obstacles have been surmounted; that the second or the third Secretary of State to whom the matter has been presented, or the second or third Solicitor before whom argument has been had, is favorably inclined to the claim. It will naturally occur to you that he may feel that there are other parties in interest who should be heard

before the claim is actually pressed by the Department. It may very well be that notice should be given to the adverse parties, and that they may have briefs to present and arguments to offer. Now, it is not the usage of diplomacy that in such case the counsel for the claimant should meet the counsel for the adverse party face to face. Each presents his own case the best he can, with very little or no information as to what has been said on the other side. No doubt the claimant's petition is on file. It may be a brief is also on file. But the opportunity which all lawyers consider so important in judicial proceedings, of meeting your adversary face to face and discussing the subject orally in the presence of the tribunal that is to pass upon it, is entirely denied. And thus it often happens that claims which are meritorious, and claims which are even finally allowed, descend from generation to generation. The case of the *Brig Armstrong* is, perhaps, the most notable. That was pending for half a century. The counsel who has to present a claim before the State Department (and I do not say the difficulties there are more serious than they are in other departments), is frequently reminded of the famous lines of Spenser:

"Full little knowest thou who hast not tried,  
What hell it is in suing long to bide;  
To lose good days that might be better spent,  
To pass long nights in pensive discontent,  
To speed to-day—to be put back to-morrow."

This description of the claimant in the court of Queen Elizabeth is a picture of what has occurred many times since in the Chancellerie of every government in the world. It perhaps was inevitable in the days when there was no international tribunal; when often armed intervention was asked in order to enforce a claim; and when the propriety of such intervention might well be disputed on grounds quite independent of the merits of the claim. In short, under the old system expediency was inevitably the ground of decision, and not justice.

But now we have a court of justice. It ought not then to be very difficult to provide for the submission to that court of claims against one sovereign state made by the citizen of another. The means thereto which I would suggest are these: Let there be a Solicitor in the State Department whose exclusive business it shall be to deal with all claims presented to that Department by citizens of the United States against any foreign government. He should have an adequate salary. His duty should be to examine into these claims, not for the purpose of passing finally upon them, but sufficiently to determine whether they are presented in good faith; and whether they have any *prima facie* basis which would warrant their presentation to an international tribunal.



If they have, it should be his duty to communicate with the proper officer of the foreign state against whom the claim is made, and inform him of the claim and inquire whether or not the foreign government in question is disposed to make any offer in settlement of the claim, or whether it insists upon the claim being presented to the international court of arbitral justice. If a compromise should be proposed, it would be the duty of the Solicitor to submit this to the counsel for the claimant. If the Solicitor were clearly of the opinion that the offer should be accepted, it would be his duty to say so; otherwise the decision would rest with the claimant. If the claimant should refuse the proposed compromise, the next step would be the making up of a case and the presentation of it to the Hague Tribunal in the manner pointed out by the Hague Convention. Evidence would then be taken; that court would render its decision; and this decision would undoubtedly be respected and obeyed by all parties concerned. Here then, instead of delay, you have promptness; instead of confusion, you have order; instead of expediency, you have justice.

May we not hope that the present administration, which has done so much to promote the cause of international peace, will recommend this proposed change of method and do what it can to secure for claimants an orderly and judicial determination of their claims upon the merits? (Applause.)

THE CHAIRMAN: In the few moments before adjournment we shall have a short discussion, under the five-minute rule, of the topics of the morning. The Chair recognizes Mr. JOHN S. EWART, of Ottawa, who was one of the British counsel in the North Atlantic Fisheries Arbitration at The Hague.

### REMARKS OF MR. JOHN S. EWART

The only speech I can remember ever having made that had in it any reference to war was delivered some years ago before a Licensed Victualers' Association. I had been reading some articles in the magazines laudatory of war and the social benefits of war, under such titles as "God's Test by War," "Moral Improvement by War," and so on. You know perfectly well the assertions usually found in such magazine articles. Well, the address to the Licensed Victualers' Association being an unremunerated occasion, I merely plagiarized those articles, and I spoke to the assembly of tavern keepers in somewhat the following way—at least, be good enough to imagine that I did address them in somewhat the following way:

"Gentlemen: Modern science has made it clear even to the stupidest of all the sobriety-fanatics that race improvement and individual improvement come only through strain and struggle.

Foolish philanthropists (as they call themselves) are endeavoring to reverse God's law. They are trying to make easy and monotonous the way to heaven, whereas you and I know perfectly well that that is the way to degradation and to death. Hitherto war, fortunately, has averted the evils which would attend the success of those pernicious notions; for in the past, war has made it necessary that men should be courageous and strong, and that they should be virtuous in order that they might be courageous and strong. During those heroic ages, liquor has been nobly linked with war. Hand-in-hand they have labored for the regeneration of our race, and have brought it to its present pitch of perfection. But the fanatics are now abolishing war; and it is becoming evident that mankind, for their elevation and their salvation, will have to depend upon drunkenness alone.

"Liquor, gentlemen, is the splendid protector of society. Without its beneficent influence the weak and diseased would drag out lives full of misery to themselves, and full of damage and danger to society. Law has surrounded these weaklings with the protection of sanitary safeguards. Gentlemen, that is flying in the face of great heaven. People ought not to be thus protected. They should not be withdrawn from the salutary operation of the great cosmic law. On the contrary, there ought to be a statute requiring everybody—men, women and children—to get rolling drunk at least once a month. That, gentlemen, is what I call God's Test by Liquor. That, gentlemen, is the only way to eliminate the degraded and the vicious, the only way by which the race can be made strong, and vigorous, and manly. If any one doubts the assertion, let him compare the abstemious East with the beer-imbibing German, the absinthe-loving Frenchman, or the whiskey-consuming Anglo-Saxon—let him compare them, I say, and let him acknowledge the splendid social benefits of debauchery.

"And, gentlemen, as *we* so well know, liquor is not only the principal factor in the maintenance of the physical superiority of the finest races, but it is undoubtedly a great moral uplifter. See how under its benign influence all meanness and sordidness and selfishness slip away; how the coward becomes courageous; how the brotherhood of man, almost effaced under the degrading conditions of present-day materialism, reasserts itself, and removes, for the time being at all events, all these foolish and adventitious distinctions which are the outcome of mere wealth, and rank, and intellect."

Ladies and gentlemen, leaving the Licensed Victualers' Association and the speech of which you have now some idea, I adjure Mr. Smiley to consider whether he is not on the wrong track; whether indeed, he is not on two wrong tracks—for I firmly believe that all the arguments that can be used in favor of war and



its ameliorating effects upon society are just as valid when used in the support of my proposition of universal drunkenness once a month. Mr. Smiley wants to abolish war and to prohibit liquor. May I ask him whether, in his philosophy, he has made any provision by which God shall be enabled to carry on His beneficent work throughout the universe without the aid of these agencies which hitherto He has always employed? It would be a cataclysmic calamity if, too late, we were to find out that He really could not do it. Will Mr. Smiley be good enough to consider what I have said and tell us, at the next Conference, what he thinks about it? (Laughter and applause.)

THE CHAIRMAN: In closing the morning session Mr. JUSTICE RIDDELL will add a word or two on a subject not treated in his very interesting address.

#### REMARKS OF HON. WILLIAM RENWICK RIDDELL, L. H. D.

“The spirit moves me” to say a word or two in regard to the subject-matter of the address of our friend from Georgia, General Meldrim.

I think it is a great mistake to suppose there is less law in uncivilized and partly civilized nations than in what we call wholly civilized nations. There is just as much law being administered amongst the wild Indians and by the Cadi in Morocco and by the Arab Sheik as by His Majesty's Court of King's Bench in Toronto or by the Supreme Court of the United States at Washington. But there is a radical difference between the two. The one, savage law, is the law of single instances; it is arbitrary. The law of civilized nations is the law of rule and of principle. The law which is administered by the Sheik is law for that particular case and he is not bound by anything he has said in the past, and he does not propose to be bound by anything he may expect to say in the future. The law in civilized nations is a law of rule, a law of line, of decision and principle; and so amongst us lawyers—although I am a judge I still at all events pretend to be a lawyer—we have a Latin saying which freely interpreted means, “Miserable is that state of servitude where the law is vague and uncertain, where the law is not fixed, and is uncertain.”

Now to apply that. The object aimed at I hope by all lovers of peace is not international arbitration, but judicial settlement of international disputes; the settlement of international disputes, not by what happens to occur to the arbiters for the time being as the proper and reasonable thing to do in that particular case; but the decision of these international disputes according to some fixed principles, so that the nations will know where “they are at.” Law, of course, is always a little—sometimes more than a

little—uncertain; I happen to know that. But still the law in our nations is more certain than in uncivilized nations; and the whole object of a conference like this is to advance from international arbitration to international judicial settlement on established principles.

That can be easily accomplished in time. I have practiced in the Supreme Court in Canada, in Quebec cases, where the theory is that the Court is not bound by previous cases; I have practiced in the Privy Council where the theory is that the Court is not bound by previous decisions, even its own; I have always tried to find a case, decided by that tribunal, in which a principle is laid down, for invariably notwithstanding theory that principle will be followed. Arbitration will lay down no principle; I defy any one to extract from any of the great international arbitrations which have taken place between nations one good and permanent principle. But judicial decisions will be reported and respected; and when once we get a permanent international court a body of international lawyers will rise up whose pride and glory, as indeed their business, it will be to adjust international disputes by interpreting and applying the decisions of the court previously made. That is what I desire to see. Let us look beyond arbitration, beyond the particular instance to the great principles to be handed down by some standing, judicial committee! (Applause.)

THE CHAIRMAN: The Conference stands adjourned until this evening at eight o'clock.



## Fourth Session

Thursday Evening, May 16, 1912

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THE CHAIRMAN: We are to turn to-night to the topic of "International Legislation." The center of the movement from this aspect is of course the Interparliamentary Union, that extraordinary voluntary body of members representing the parliaments of the civilized nations. I have the honor to present a distinguished gentleman, who has crossed the ocean to bear us his message. Formerly a member of the Norwegian Parliament, and delegate from Norway to the second Hague Conference, he now occupies the highly responsible position of General Secretary of the Interparliamentary Union, with offices in Brussels—Dr. CHRISTIAN L. LANGE, of Norway.

### THE INTERPARLIAMENTARY UNION

ADDRESS OF DR. CHRISTIAN L. LANGE

I am asked to speak about the organization for which I have the great honor and responsibility to stand, and to show its importance as an element towards the organization of the world.

As you all know, the peace movement of course began in the United States—for, excepting trifling matters, such as Christianity and the art of printing, every good thing I suppose came from America! (Laughter.) The peace movement then began in this country—though the London Peace Society was founded about a year afterwards—and for about a generation it was exclusively a movement based on moral and religious conviction, an emotional movement, which it has continued to be, and which it must be. I insist upon the very great importance in our movement of the moral forces, without which I think we should never be able to achieve any great victory.

But on the other hand, in any movement which is going to accomplish reforms, it is necessary that constructive ideas come to the fore, and that the organizer takes his place beside the apostle. Constructive ideas as to the cause of peace were also first launched in this country. William Ladd, by the middle of the century, outlined a plan for a court or a congress of nations. And as the movement progressed, it more and more took into its scope the constructive forces. It took some time before the movement spread to the parliaments; though you know that by

the middle of the century Cobden and Bright in the House of Commons and Charles Sumner in your Senate stood for arbitration as a means of settling international disputes.

Now, what is meant by "international organization?" Of course this is a thing not to be accomplished in the twinkling of an eye; it means long, hard work, and at this time it can hardly be said that the great principles of law and justice have been realized in the society of nations. We have to abide by devices to a certain point. States claim for themselves the quality of being sovereign; therefore there is no legislative force able to enact statutes, and therefore international legislation has to be carried out through treaties and conventions concluded by the sovereign states. In the same way there are no courts of justice which can impose their judgments upon the sovereign states; therefore arbitration is the means of settling disputes, because it presupposes the consent of the litigant parties. It was therefore quite natural, when the hard-headed men of parliaments were drawn into the international peace movement, that they should center on some very definite form of helping the cause forward; and the problem to which they first applied their minds was the realization of international arbitration.

This movement also was to a great extent started on American soil. On the 31st of October, 1887, a delegation of British members of Parliament and representatives of leading trade unions was introduced in the White House to President Grover Cleveland by a prominent American citizen who is still living. That man was Andrew Carnegie. The delegation of British members of Parliament and trade unionists came to present to President Cleveland an address, signed by three hundred and twenty-four members of Parliament, in favor of a permanent treaty of arbitration between the United States of America and Great Britain. This movement in favor of arbitration called attention to the question in other countries, and about the same time a parallel movement sprang up in the French Parliament. The man who really had taken the initiative in regard to the address to the President of the United States, William Randal Cremer, saw that here was a really great opportunity to help the cause forward. Exactly a year after the reception in Washington a meeting was held in Paris, by French and British parliamentarians, in order to support this movement in favor of treaties of arbitration between Great Britain and France on one side and the United States on the other. It was rather hard then to think of a treaty of arbitration between Great Britain and France. While these men were meeting in Paris on the 31st of October, 1888, the idea was at once started that now there was an occasion of carrying on continuous work in favor of international peace and inter-



national organization generally. It was proposed that the following year a meeting should be called during the exhibition in Paris, in 1889, to which parliamentarians from all countries interested in the cause of international peace should be invited. At the end of June this meeting was held, and there what was called the "Interparliamentary Conference for International Arbitration" was founded.

There were present at that meeting ninety-six parliamentarians, some sixty French, some twenty-five British, five Italians, one from Belgium, a Danish representative, one from Liberia—who has never made his appearance in the Conference since!—and a Hungarian and Spanish representative. Thus the movement was started; and I think it a proof of the practical sense of its founders that they concentrated their effort on a single point, thereby making possible a strong appeal to the practical minds of statesmen.

At first, the movement was considered by most of the general public as a Utopian dream. But to-day three thousand three hundred parliamentarians are enrolled in the groups; we have their names on our lists. These people belong to twenty different national groups. This may seem a large number. Nevertheless I think it behooves the Union to speak with modesty about its present power. We must remember that in those twenty parliaments there are really nine thousand different members, and outside those parliaments are twenty others which do not yet belong to the interparliamentary movement. Nevertheless the movement has steadily advanced and the institution has certainly rendered great services. I consider it my duty to-day to mention some of the men who have contributed especially to its success.

First I should mention the real founder of the Union, the carpenter and trade unionist, the energetic man who never lost sight of what he had once in view—William Randal Cremer. (Applause.) Here was a man who started life in most humble circumstances, who remained a workman all his life, and who, out of his meagre income, was able at his death to endow the organization which he had founded in 1871, the International Arbitration League, with a suitable income.

Next comes his great helper at the start of the foundation, Frederic Passy, a man whose name is now a household word in the general peace movement, who will this month celebrate in Paris his ninetieth birthday in the company of friends of peace from all parts of Europe. Frederic Passy helped the movement chiefly through his eloquence and authority as a political economist, and he certainly helped to give to the movement during its first difficult years a broadness and a scope which would have been impossible if it had been altogether in Cremer's hands.

The third name which should be mentioned in this connection belongs to a man whom we are glad to welcome here to-day—Dr. Albert Gobat, who gave, during his seventeen years as the Hon. Secretary-General of the institution, so much of his time, devotion and energy that it can be safely said that the institution would never have been able to thrive and live during these years without his untiring zeal.

The fourth place belongs to the man who is at present at the head of the Interparliamentary Institution, the Belgian statesman, M. Auguste Beernaert, late Prime Minister, member of both The Hague Conferences and of a great many other international conferences. In spite of his age—he is now eighty-three—he is giving unstintingly of his time to the work.

Perhaps I should say some words as to the present organization of the Union. The organization is federal; it is based on the national groups formed within each parliament. These groups send to the Conferences, which meet annually or every second year, as many members as are willing to go, the Conferences being open to any members of the groups. Besides, the groups delegate two members each to the Interparliamentary Council, which takes care of the general work, prepares the Conference and has control of the finances of the Union. Within this council there is created an executive committee of five members chosen by the Conference. This committee has charge of the permanent bureau which is at present located at Brussels and directed by a permanent secretary, who is a non-parliamentarian and who is supposed to give all his time to his office. This central bureau serves as a clearing house for the national groups. Through different publications—an Annual, a series called “Interparliamentary Documents”—and by publishing and distributing important debates on international questions in the different parliaments it tries to maintain close relations between the different national groups.

A most important development in the organization is one that has only lately taken place. The Fifteenth Interparliamentary Conference met at Berlin in 1908, and at this Berlin Conference it was announced by the head of the British Group, Lord Wear-dale, that the British government was willing to give an annual subvention to the Union, provided the organization were placed on a satisfactory basis. Before that time only one state, Norway, had given a contribution toward the general expense of the Union. But this example of Norway and Great Britain has been followed by other states, and now the finances of the Union are on a satisfactory basis. Most of the states in which groups are formed have voted a subvention to the Union.

What does this signify? You know nobody is willing to pay out money for nothing. If the states—who are rather jealous



of their purses—pay for the work done by the Interparliamentary Union, it is to be supposed that they appreciate its work, and when, therefore, the Interparliamentary Union presents its draft treaties, its resolutions, its wishes to the governments of the world, the Union can say, “You pay us for the work we are doing; please take into consideration what we propose.”

And now a word as to how the Union is working toward its ends. I consider this subject under three headings.

The first is the preparation of the programme of the General Conferences on Peace and International Law which meet at The Hague. There is no doubt that the Interparliamentary Union exerted a certain influence as to what was done at the first two conferences. I am not going to dwell on that. We are here looking to the future, and I am going to speak of what the Union is doing now in view of the Third Hague Conference. First the Council of the Union creates commissions of study for different subjects likely to be brought before the Third Hague Conference; for example, such as a general treaty of obligatory arbitration, a permanent court of international arbitration and immunity of private property at sea. These questions, after being studied by commissions, should be submitted, and are as a rule submitted, to the different groups before they come before the general conference; for what is the mission proper of the Interparliamentary Union in international legislation? It is to find out the point where the different national interests, which are legitimate, which cannot be overlooked, can be conciliated. In other words, the duty of the Interparliamentary Union is to find the line of least resistance with a view to realization. When this line has been found, through preliminary study and discussion, then a conference agrees upon a definite proposal in accordance with this. Sometimes the conferences give definite mandates to some few groups. At the last Conference, which met at Brussels in 1910, the different groups were asked to do what they could to obtain the ratification of the Declaration of London. But on the other hand, the Declaration of London did not give entire satisfaction to the Interparliamentary Conference. As you know, the Declaration of London does not provide for the immunity of private property at sea. Since this proposal was defeated at The Hague, in 1907, chiefly by the opposition of the British, the French and Russian governments, at the Conference at Brussels in 1910 the question was specially laid before these three groups, and they were asked to intervene with their governments in favor of a changed attitude, so that at the next Hague Conference we might perhaps reckon on their support. As a matter of fact, the question has been brought before the French Chamber of Deputies, and the then Minister of Foreign Affairs, M. Pichon, answered that the government was very willing to



consider favorably proposals which came from the Interparliamentary Union. I think we can hope that the attitude of European governments toward this question may be greatly modified at the next Hague Conference.

This, then, is a sketch of the preparation for the general Hague Conferences. But when The Hague Conferences, or any other conferences, have agreed upon a draft convention, such convention is not yet, as you know, public, international law. Ratification by the different governments is necessary and that is the second occasion for the work of the Interparliamentary Union. It has done much to promote ratification of international agreements by the different governments. I have already mentioned its work on behalf of the Declaration of London; our chairman this morning mentioned its work for the ratification of the prize court convention; it has also been at work through its different groups in favor of the conventions on maritime law which were passed at Brussels at a special conference in 1910.

Thirdly, this should be said: Not all reforms of international importance come before international conferences; several international reforms can only be carried out within the separate national parliaments. Take for instance neutralization of a canal or a strait, the neutralization of a country; these questions, considered as political questions, do not belong to the domain of the peace conferences at The Hague. These questions are also studied by the Interparliamentary Union. One of the most important commissions of study is actively investigating the problem of neutralization as to straits and canals and will probably report not to the next but to the following Interparliamentary Conference. Another question which will probably be likewise studied is a change as to the constitutional rule of declaring war and concluding treaties. Not all countries are so happy as the United States, whose constitution gives to the popular representatives the power and authority to ratify treaties. You may not always be content with the attitude taken by legislative bodies as to the ratification of treaties, but the disposition is a most important one and very useful, because it prevents the conclusion of secret treaties—treaties perhaps of alliance which may at any moment throw a country into a state of war or excessive armament without the people knowing how and when this thing was really done. On this point, as to the peril of declaring war and concluding treaties, the Interparliamentary Union will try to have the groups work in the direction of international peace.

I hope you will have understood that the important point in all the interparliamentary organization is really the organization of the permanent elements within the Union—the groups. How then are the groups to be brought to work in a useful direction? That question was answered at the first interparliamentary meet-



ing in Paris in 1888. It was finely said in one of the resolutions: "The conduct of governments is tending to become more and more the expression only of ideas and sentiments voiced by the body of citizens; it is for the electors to lead the policy of their country in the direction of justice, right, and of the brotherhood of nations." The Interparliamentary Union can only present the machinery, but the electors of each country are to feed the machine. Of course the Union is trying to make this machinery as perfect as possible. I was told when a boy that the machinery at the great slaughter houses in Chicago was so perfect that when you placed a pig in at one end of a machine bologna-sausage came out at the other. Of course, the interparliamentary machinery is not so perfected! But at any rate, machinery is provided, and if the electors will furnish not only the pig but also the steam to drive the machinery, something can certainly be accomplished. I think it may be safely said that great potentialities of good work and of progress reside in the Interparliamentary Union; but the responsibility of bringing out this immense good rests with each elector: thou art the man, thou art the woman really to do this thing! (Applause.)

THE CHAIRMAN: As the next speaker upon this general topic, I have the pleasure to present one who has frequently taken part in these conferences, Dr. GEORGE GRAFTON WILSON, Professor of International Law at Harvard University, and a delegate to the Naval Conference of London.

## BASES OF INTERNATIONAL LEGISLATION

ADDRESS OF GEORGE GRAFTON WILSON, PH. D.

In a broad sense, legislation of any kind implies the existence of certain conditions. These conditions usually are: (1) the existence of common interests which may be made the subject of legislation; (2) the recognition of this community of interests; (3) the will to act in harmony in regard to such interests; and (4) the existence of conditions making possible such action.

That common interests are necessary bases for legislation is generally admitted. The range of common interests is, however, a matter of much difference of opinion. In the early days of political organization when the principle "strange air makes a man unfree" was generally held, the existence of common interests was doubted.

The recognition of common interests gradually extended, and those were dark days of the world's civilization when this recognition waned. The Law Merchant, a code of commercial law, took such form as to command world-wide observance as early as the middle ages even though a local statute might not be in conformity. This year there is to assemble in the city of Boston



an international conference of chambers of commerce and it is to take up some of the very questions with which you have been concerned here. The program is most ably arranged, and I hope that some of the things which the various members and officers of chambers of commerce represented at Lake Mohonk have urged will be embodied in the conclusions of the international body, conclusions that will not go out simply to the United States, but will go out to the business men of the entire world. The fate of the Law of Rhodes now seems uncertain. Portions of the Law of Rhodes, whose origin seems lost to history, have been observed from the early days of Mediterranean commerce. In such codes it was recognized that right and justice was not Grecian, Venetian, or Spanish, but from the common nature of man an attribute of the race.

The will to act together in early days was generally developed by the force of external circumstances, such as those necessary for convenient and profitable trade. Idealists from time to time dreamt of and formulated schemes for world empires with a common body of law. But the will to act together seems to have been slow of growth till fifty years ago. From that time the idea that what might be good for two or for a few states might be good for all gained in influence. Postal conventions had existed among some states when in 1862 the United States, recognizing the advantages of uniform rates within its own borders, proposed an international postal conference. The Universal Postal Union was established after more than a decade of consideration. If a matter of such practical and prime importance as the Universal Postal Union should require that length of time for discussion and consideration, we can see the reason for Mr. Smiley's optimism. There is reason perhaps that it should be even more abounding, because cheap and uniform postage is something which appeals to everybody almost without argument, yet it was delayed. Even the man who proposed to have a uniform postal service, at one price, was thought to be mildly insane, and his friends recommended that his family take special care of him! The present evidence of the will to act together may be seen from the fact that a letter which may now be sent from the United States to Australia for five cents might fifty years ago require more than two dollars postage. The will to act together in improving methods and means of communication also manifested itself in other lines as in philanthropic legislation for the care of the sick and wounded in war and the prevention of opium traffic; in scientific legislation for an international system of weights and measures, geodetic and other associations; in economic measures, as in copyright and other conventions; in social police regulations in regard to slavery and the liquor traffic, and the like.



Since 1899 and the First Hague Peace Conference, conditions favorable to international legislation have multiplied. The sentiment in 1899 was in most sections of the world indifferent or even hostile to closer international relations, and the results of the First Peace Conference were regarded as of little value. A precedent for the assembling of all the states of the world had been established. The results of the deliberations proved unexpectedly efficacious and the demand for a Second Hague Conference was natural. The place, The Hague, was a peculiarly fortunate selection for the seat of the international conference. The clerical organization necessary for the carrying on of the work begun by the Conference was easily perfected. The Hague became the seat of the International Court. Further guarantee of the permanence of the work so auspiciously begun was made in the provision of an adequate and appropriate home for the International Court and meeting place for the International Conferences.

Thus have come to be the conditions favorable to international legislation, viz: (1) common interests, (2) the recognition of their existence, (3) the will on the part of the states to act together, and (4) the conditions favorable to such community of action.

In spite of these favorable conditions, there is one doctrine which tends to make international legislation increasingly difficult. This is the doctrine of equality of states. In the formation of the United States of America it was found impossible to give to each member of the union equality of representation in both branches of the legislative body. The smaller states had to be content with fewer votes in the House of Representatives. In The Hague Conferences it may be needful that some system be devised whereby the vote of Great Britain on naval affairs shall weigh more than that of Switzerland, and that of the United States more than that of Hayti. The attempt made at the Second Hague Conference to constitute a body of judges for the International Prize Court which should be in a measure proportioned to the weight of the several states in maritime affairs did not meet with favor from some states, and the British House of Lords has within a year rejected the Naval Prize Bill arguing strongly against the make-up of the body of judges of the International Prize Court. This bill, which would involve the ratification of the International Prize Court Convention of 1907, and the Declaration of London of 1909, was, however, approved by the House of Commons and may come before Parliament again. The International Prize Court Convention of 1907 and the Declaration of London of 1909 together constitute an attempt to substitute the rules of law for the uncertainty and diversity which had hitherto existed. The Declaration of London was on March

7th of this year reported with a recommendation for its ratification to the French Chamber of Deputies; on the 23d of last month it was ratified by the United States Senate. This was about the only piece of information which I proposed to give that seemed to be at all new, and your president anticipated me and published that this morning. On the 23d of April the Declaration was ratified by our Senate, yet of course it is not operative for the United States, as you know, until it is proclaimed by the President. It is also very favorably regarded in Germany, and it is rumored that the German Parliament will be immediately ready to ratify it. We can say that its principles were published as the rules to be observed by Italy in the war in which it is at present engaged; therefore here is international legislation that has become very distinctly operative. It was thought that an international prize court, a majority of whose judges should be chosen from states having large maritime interests, would be a more satisfactory tribunal before which to bring a prize case than a national prize court.

The possibilities of complications in the absence of an international prize court may be illustrated by the case of the "Oldhamia," a British steamship which was captured by the Russian cruiser "Oleg," May 5, 1905, during the Russo-Japanese War. While the steamship in part loaded with petroleum belonging to the Standard Oil Company was being taken to a prize court, it ran upon a rock and was subsequently burned by order of the prize master. The Lower Russian Prize Court condemned the vessel and cargo. The case was appealed to the Higher Russian Prize Court, and the decision of the lower court was for the most part sustained. The British Foreign Office on January 4, 1910, protested against the decision, and later requested that the case be submitted to The Hague Permanent Court of Arbitration. The American State Department also protested to the Russian Foreign Office. The Russian Secretary, in a long reply to the British protest, said:

"I cannot but remind you that the case of the 'Oldhamia' has been the subject of regular legal investigation in two instances of the Russian Prize Court, and that, according to Russian law, the finding of the Supreme Prize Court is not subject to appeal. And, as is known to you, no international appeal in prize cases is as yet in existence." \*

That was just exactly the thing for which we have been contending in the establishment of the International Prize Court, and Russia calmly reminded Great Britain that it did not yet exist.

The owners of the "Oldhamia" and the Manchester Steamship Owners' Association pressed the British Foreign Secretary to take further action. The Foreign Secretary found Russia unwilling to submit the case to the Court at The Hague. The

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\* Parliamentary Papers, Miscellaneous, No. 1 (1912), p. 22.



Manchester Association passed a resolution December 5, 1911, to the effect,

"That this association, having carefully considered the case of the steamship 'Oldhamia,' views with alarm the apathy with which His Majesty's Government have allowed such a gross miscarriage of justice in the Russian courts to pass with merely a mild protest, asking that compensation should be awarded, or this failing, the case to be submitted to arbitration."

It is interesting to note that this same Association almost exactly a year earlier, December 6, 1910, had passed a resolution the third clause of which was,

"That the submission for settlement of claims to an International Court, embracing presumably representatives of countries with practically no mercantile marine and therefore without practical knowledge of maritime questions, is a most objectionable feature."

Of course it makes a difference whether you have lost your ship and wish to get a claim before the International Prize Court, or whether you have not lost your ship; in the first instance the ship was not lost, and in the second it was; the owners protested against the establishment of the court and then complained to the Foreign Minister—who had been compelled to heed their protest—because he had not established the court!

The British Foreign Office's reply to the resolution of December 5, 1911 (transmitted on the 6th), of the Manchester Association was:

"With reference to your letter of the 6th instant respecting the case of the steamship 'Oldhamia,' I am directed by Secretary Sir E. Grey to inform you that correspondence will shortly be laid before Parliament which, it is hoped, will satisfy the Manchester Steamship Owners' Association that His Majesty's Government have done everything in their power in the interests of the owners of the 'Oldhamia.'

"I am to add that, failing the establishment of an international prize court, there are no means of redress in cases in which the decisions of national prize courts are unsatisfactory."\*

If the Prize Court Convention had been ratified, such a case as that of the "Oldhamia" would have come before it without any difficulty, and undoubtedly the decision would have been regarded as equitable. Such a case as that of the "Oldhamia" shows in a marked degree what is regarded as absence of common interest between neutral and belligerent, the failure to recognize that it may be best for both to agree upon bases of action, the lack of will to act together, and the absence of conditions favorable to such action.

At this Lake Mohonk Conference on International Arbitration, it seems fitting to emphasize these bases and essential conditions which favor, and the absence of which hinder, the development of international legislation. These conferences have uniformly

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\* Parliamentary Papers, Miscellaneous, No. 1 (1912), p. 28.

endeavored to bring nations to a realization of the existence of their common interests, believing with the old economists that nations will follow their enlightened self-interests, and its resolutions have always looked to the building up of those legal and other institutions which would make possible harmonious action under just international legislation.

The general principles as illustrated in the concrete case of the "Oldhamia" are the bases which are necessary for international legislation. Without international legislation, international friction is inevitable, since different states have differing standards of law. International friction is liable to result in international war. War will tend to continue as a means for settling international disputes till some other means is found. In international relations, as in other relations, the reign of force at the present stage of civilization can be supplanted only through the establishment of the reign of law and such law is the product of international legislation. (Applause.)

THE CHAIRMAN: Our thoughts are already turning toward the Third Hague Conference, its program and its possible accomplishments. To discuss this vitally important topic, I present a friend who was a delegate to the Second Hague Conference, and is now the Secretary of the Carnegie Endowment and in person the director of its division of International Law, Dr. JAMES BROWN SCOTT.

## THE THIRD HAGUE CONFERENCE

### ADDRESS OF DR. JAMES BROWN SCOTT

I shall not trespass upon your time with any introduction other than to say that this present appearance is a wholly unexpected pleasure—at least upon my part—for it had been expected that Mr. Choate, who represented his country so admirably at the Second Hague Peace Conference, was to have presented and to have discussed the subject. He is, however, unable to be here, and your Chairman suggested that I should on this occasion act, as I did at the Second Hague Conference, as Mr. Choate's understudy or substitute. Therefore, in this character, I beg to lay before you some observations concerning the nature of the Hague Peace Conference in general and the measures which the nations should take in order that the proceedings of the Third Conference shall be conducted in an orderly, successful and expeditious manner.

In the course of his very interesting and enlightening address my good friend, Mr. Lange, spoke of William Ladd, and, in view of the subject on which I am to speak, it seems to me very appropriate that I should make a brief statement at the very beginning of these informal remarks concerning the nature and value of



Ladd's services. In the year 1840 he published a little work entitled "An Essay on a Congress and a Court of Nations," in which he outlined not merely the proposal of an international conference, but its method of calling, its procedure, and its program. I do not mean to suggest that the Czar's circular of 1898 was in any sense of the word copied from Mr. Ladd, but even a casual examination of the essay shows that Mr. Ladd divined the future conference even in matters of detail. Thus, he proposed that a congress of nations should be called, that this congress should be diplomatic in its origin and in its action, that each nation should be represented by at least two delegates, that each nation should have an equal vote, that the conference thus constituted should not busy itself with internal questions but solely with questions arising between nations, that the purpose of the conference should be to define the rights and duties of belligerents, in order, as far as possible, to abate the horrors of war, lessen its frequency and bring it promptly to an end; to determine the rights and duties of neutrals, to the end that nations desirous of peace should not suffer by nations minded to go to war; to reach a general agreement upon measures helpful to nations in time of peace and calculated to maintain peace.

Mr. Ladd's conference was not to be a parliament but a diplomatic assembly, which should agree upon the principles of international law; and the agreements, in the form of compacts or treaties, should be sent to the different governments to be accepted or rejected by them, and have no effect upon the governments until ratified by them, when the drafts would bind the nations, because expressly consented to and ratified by the appropriate branches of the various governments. Mr. Ladd further provided that the conference should devise plans for the preservation of peace, which, as is well known, the Hague Conferences have been remarkably successful in doing. He finally proposed that the conference should organize a court of nations to interpret the treaties and conventions drafted by the conference and accepted by the nations, and that the court, in which each nation should be equally represented, should apply the accepted principles of international law to disputes which might arise between the nations and which should be submitted to the international tribunal. Mr. Ladd called attention to the fact that such a conference would not be an innovation; that it had precedents which would justify its meeting; and that it would assuredly come together when called by some respectable state. The event proved that the respectable state was to be Russia, and it is by unconsciously giving effect to the aims and purposes of this simple-minded and devoted American citizen that the Ruler of All the Russias has enrolled himself among the benefactors of mankind.

The international Conference which met at The Hague in 1899

and the Second Conference, which met in the same attractive city in 1907, is a diplomatic body. It is not a legislature in the technical sense of the word, nor is it a parliament, unless the word be used in its original sense as indicating a meeting of people who parley, discuss or confer. In the legislature or parliament, majorities control and the relation of superior and inferior exists. Laws or projects are introduced, are passed by the necessary majority, whatever it may be, and become binding upon the community at large, of which the legislature or parliament is the representative body. Not so a diplomatic conference. In such an assembly nations are regarded as equal. They send their delegates or representatives. They have an equal vote. Proposals are made and voted upon, but the vote merely implies a recommendation. The completed drafts, called conventions or declarations, are laid before the various governments by the respective delegates, and, if the drafts are found acceptable and are ratified by the governments according to the constitutional methods in force, they thereupon become binding upon the nations which have ratified them, from the time of such ratification. They become universally binding when they have been ratified by the nations participating in the conference. The draft has thus become a national statute, and by the action of the nations it has become an international statute. The conference, therefore, proposes; the national government disposes. If the conference can be called a legislature without a misuse of terms, it is a legislature *ad referendum*. No one nation, however enlightened or powerful, can make a law of nations, and the international law of the future, like the international law of the past, can only be made by the consent, expressed or tacit, of the nations as a whole.

The Hague Conference is unquestionably the easiest and fortunately most familiar agency for proposing, and through its meeting of securing, general agreement upon matters affecting the well-being of the society of nations. But that the Conference may perform its mission and render the great services which are confidently and generally expected, it should meet regularly, not spasmodically. Therefore, our great Secretary of State, Mr. Root, instructed the American delegation to the approaching Second Hague Conference to propose the meeting at stated periods of an international conference, which should come together automatically, and whose program should be arranged in advance, so that the nations might have full time to prepare for the consideration of the various projects figuring in the program, concerning which proposals would undoubtedly be made. As Mr. Root's recommendation is so important and, if carried into effect, would have secured the permanence of The Hague Conference as an institution, I feel I should let him speak in his own words:



"The immediate results of such a conference must always be limited to a small part of the field which the more sanguine have hoped to see covered; but each successive conference will make the positions reached in the preceding conference its point of departure, and will bring to the consideration of further advances towards international agreement opinions affected by the acceptance and application of the previous agreements. Each conference will inevitably make further progress and, by successive steps, results may be accomplished which have formerly appeared impossible.

"You should keep always in mind the promotion of this continuous process through which the progressive development of international justice and peace may be carried on; and you should regard the work of the Second Conference, not merely with reference to the definite results to be reached in that Conference, but also with reference to the foundations which may be laid for further results in future conferences. It may well be that among the most valuable services rendered to civilization by this Second Conference will be found the progress made in matters upon which the delegates reach no definite agreement.

"With this view, you will favor the adoption of a resolution by the Conference providing for the holding of further conferences within fixed periods and arranging the machinery by which such conferences may be called and the terms of the programme may be arranged, without awaiting any new and specific initiative on the part of the Powers or any one of them."

Mr. Choate on behalf of the American delegation proposed that the Third Conference should meet at a date to be fixed by the Second, and after very much debate and discussion the motion was carried, albeit in a tentative and imperfect form, because it was felt that one international body like a legislature could not control its successor, and therefore the Conference should content itself with the recommendation that a Third Conference should meet in the near future. If Mr. Choate were present, he would no doubt explain in a highly humorous and interesting fashion, as he did at the first meeting of the American Society for Judicial Settlement of International Disputes, the doubts and uncertainties which perplexed the delegates and made it difficult to persuade them to do what they were apparently unwilling to do, if free to follow the dictates of their individual judgments.

However, after very great discussion, much argument and no little hesitation, the Conference agreed and did actually recommend a successor, although it was careful to avoid fixing the date of the meeting. In order that my remarks upon the future Conference may be intelligible, I quote the exact text as it is contained in the final act of the Conference.

"The Conference," it is there said, "recommends to the Powers the assembly of a Third Peace Conference, which might be held within a period corresponding to that which has elapsed since the preceding conference, at a date to be fixed by common agreement between the Powers, and it calls their attention to the necessity of preparing the programme of this Third Conference a sufficient time in advance to ensure its deliberations being conducted with the necessary authority and expedition.

"In order to attain this object the Conference considers that it would be very desirable that, some two years before the probable date of the

meeting, a preparatory committee should be charged by the governments with the task of collecting the various proposals to be submitted to the conference, of ascertaining what subjects are ripe for embodiment in an international regulation, and of preparing a programme which the governments should decide upon in sufficient time to enable it to be carefully examined by the countries interested. This committee should further be intrusted with the task of proposing a system of organization and procedure for the conference itself."

Upon this recommendation I propose to comment briefly. It will be noted that the Conference did not state the exact year in which its successor was to meet. It used the expression, an analogous time. As the First Conference met in 1899 and the Second in 1907, it is to be presumed that the Third Conference will meet in or about, certainly not before, 1915. Some two years before the meeting of the Conference a preparatory committee should be created by common accord of the governments, and that preparatory committee, when constituted, should consider what subject or subjects are ripe for international discussion and should formulate a tentative program to be submitted to the nations for their information, acceptance or rejection, so that the countries to participate in the proposed Third Conference may have both the time and the opportunity to study the questions contained in the program and come to the Conference prepared to exchange views and to reach agreements upon the important subjects figuring in the program.

If the recommendation stopped here, it would merit analysis and consideration, and Mr. Choate would have rendered a distinct service to the society of nations, but important as are the recommendations for arranging the program in advance, there are others of infinitely greater importance contained in the passages read to you from the final act. You will notice that in the final sentence of the recommendation, as if by an afterthought or by way of conclusion, it is stated that the preparatory "committee should also be entrusted with the task of proposing a system of organization and procedure for the Conference itself." That is to say, the committee, which should meet approximately in 1913, should consider the very important questions which properly enter into and form the program for the deliberations of the Third Conference, and that in addition thereto, the committee should devise a system of organization for the Conference. This is a very important function, if the Conference is to be international in fact instead of merely in name, and not controlled or dominated by the Power which has the honor of calling it into being and which, according to the procedure usual in international conferences, proposes the officers and controls the proceedings. It thus appears that subjects ripe for discussion are to be suggested two years in advance of the probable meeting of the Conference; that a tentative program is to be drawn up in ample time for the



participating nations to inform themselves of its contents and to mature the projects which they may care to present; and, above and beyond, a system of organization and procedure for the Conference itself is to be worked out by the committee and laid before the Powers for approval.

Therefore, as this committee is to possess such very large and useful functions and is, in a way, to determine the form, shape and character of the Conference to meet, as we hope, approximately in 1915, it is of the utmost importance that the Powers should have the recommendation of the Second Conference called to their attention, so that steps may be taken immediately for the creation of this committee, in order that we may know long in advance what subjects are to be discussed, what is to be the form of the organization, and what is to be the procedure, so that the governments may have opportunity to instruct the delegates upon the weighty subjects which are to be discussed at the Conference, and, finally, that the delegates themselves, who are to attend the Conference, may do so after ample preparation and in the fulness of knowledge.

As I can only hope to touch upon these important matters, I shall first dwell upon certain subjects that might enter into the program, and, in conclusion, I shall venture certain suggestions concerning organization and procedure. The formal agreements of the Conference are termed conventions and declarations, which are in reality draft treaties signed by the delegates and referred to the action of their governments. There are, however, certain informal agreements, such as unsigned declarations, resolutions, recommendations or, to use a French term, *vœux*, which is variously translated as opinion, desire or wish. An unsigned declaration is the formal expression of the opinion of the Conference, complete in itself and not in the form of a draft to be approved by the nations—thus the declaration of the Second Hague Conference in favor of the principle of compulsory arbitration. The difference between an unsigned declaration and a resolution is largely a matter of words, as will appear from the resolution of 1899 and of 1907 condemning military charges as a grievous burden. The recommendation of the Conference, whether it be called an opinion, desire or wish, is apparently not so authoritative as the declaration or resolution, and yet a recommendation from such a body as the Hague Conference is no small matter. Four of the recommendations or *vœux* of the First Hague Conference, concerning the Geneva Convention, the rights and duties of neutrals, the inviolability of private property in naval warfare, the bombardment of posts, towns and villages, and the resolution concerning the burden of armaments were included in the official Russian program for the Second Conference.

The various declarations, resolutions and recommendations or

*vœux* deal with matters which the Conference failed to incorporate in formal conventions or declarations. They are in the nature of unfinished business, and it is fair to presume that the declarations, the resolutions and the recommendations or *vœux* of the Second will figure in the official program of the Third Conference. Again, the formal conventions drafted by the First Conference and accepted by the nations participating in it were revised by the Second Conference in the light of the practice and experience had between the meeting of the two bodies. It is to be presumed, therefore, that the preparatory committee will include not merely the confessions of failure of the first two Conferences, but will suggest that their successes—namely, the conventions and signed declarations—be considered by the Third Conference, so that they may be still further improved and brought fully abreast of the needs of the times.

Among the projects which should be included in the program, I specifically suggest the question of a general treaty of arbitration and the problems connected with its application, and the creation of a truly permanent international court. The negotiation of such a treaty and the establishment of such a tribunal would be steps in the direction of a juridical organization of the society of nations, of which the states are at once the members and the organs, for the development of international law. We should not deceive ourselves—the Hague Conference is much more than a diplomatic assembly suggesting the ratification of treaties which it may have drawn up. It is the organ of the society of nations for the development of international law, and its very existence is an indication of the general agreement of nations and of their loose union. We should not proceed haphazard in this matter. We should look upon the problems seriously and determine how far we may, in view of existing conditions, create an international organization within which the agencies, which have been called into being, may properly act.

A simple example will show what is meant. All civilized nations, as well as many of their colonies, are parties to the International Postal Union, which provides that disputes arising under the convention which created the Union shall be referred to arbitration. I want to propose that we form a juridical or judicial union; that is to say, that the nations in favor of arbitration, as a means of settling international disputes, negotiate a convention binding them to arbitrate disputes, when and as they arise, and as the agent or instrumentality of the union created by this convention a permanent international court be established, to which such disputes shall be submitted automatically. This would not federate the nations politically any more than the Postal Union has federated them. It would, however, create a large and beneficent juridical union, which, to the extent of the obligation



created by the general convention, would bind its members to settle their conflicts by peaceable means. The union thus formed would be in the largest sense of the word a guarantee of peace.

The general treaty of arbitration, which the Third Conference will endeavor to negotiate, will not be so advanced as some of the treaties between individual countries, which submit without reservation of any kind all of their disputes to arbitration. Inasmuch, however, as the Second Conference admitted the principle of compulsory arbitration and accepted it in the concrete in the matter of contract debts, and inasmuch further as there is a general consensus of opinion that legal or juridical questions may safely and properly be submitted to arbitration, it appears probable that an attempt will be made to negotiate a *mondial* treaty of arbitration, to use the favorite expression of Baron Marschall von Bieberstein at the Second Hague Conference, by which the nations will pledge themselves to arbitrate such questions, although reserves of independence, vital interests and honor may make their appearance. A treaty of that kind will probably, and, I believe, surely represent the minimum rather than the maximum, so that the nations may decide on certain lines of controversy which they are willing to agree in advance to submit to arbitration or judicial decision and to pledge themselves to abide by the award or decision of the tribunal. The attempt was made to negotiate a general treaty of arbitration at the First Conference as well as at the Second. May the third time be lucky!

The First Hague Conference created the so-called Permanent Court of Arbitration, which is in reality nothing but a list of judges willing to serve as members of a temporary tribunal to pass upon a case submitted to them. The tribunal goes out of existence when the case is decided, and its decision neither binds the nations at large nor a subsequent tribunal. An attempt was made at the Second Hague Conference, in accordance with positive instructions from Secretary Root, to form a truly permanent court, composed of judges by profession, ready and willing at any time to accept jurisdiction and to decide the controversies submitted to it according to the principles of law and justice. A draft convention consisting of thirty-five articles was adopted and recommended to the nations, but the Conference was unable to agree within the few months at its disposal upon a method of appointing the judges acceptable to all nations. In adopting the draft convention, the Conference committed the appointment of the judges to the nations at large and recommended that the convention should go into effect and that the court be established when the nations had agreed, through diplomatic channels, upon the method of appointing the judges. It is common knowledge that the Department of State has sounded the nations on this important subject, and it may be that the court will be established



in the interval between the Second and Third Conferences. Should, however, this not be the case, the question of a permanent court and the method of its constitution should be included in any program arranged by the preparatory committee.

The relation of arbitration treaties to national legislation and especially the connection between awards of arbitral tribunals or decisions of international courts and national judgments, must be considered and decided before arbitration becomes an every-day occurrence.

In the next place it is evident that the practice of the First and Second Conferences should be continued in adopting certain principles of international law dealing with warfare upon land and sea, and that the laws of naval warfare should be considered and reduced to a formal code, just as the laws and customs of land warfare were reduced to codified form. The question of neutral rights and duties proposed by Ladd in 1840 should be likewise considered.

There is no reason why codification should be confined to land and naval warfare. The manifold relations of nations in their ordinary intercourse should be considered, and little by little given precision and symmetry. A beginning might be made with the rights, duties and immunities of diplomatic and consular officers. Again, the nature and extent of jurisdiction of a state over its marginal waters might be determined, because this subject has been a bone of contention in the past and is likely to give trouble in the future.

There is one subject upon which I feel very keenly, but about which I have no illusions; namely, the extension of hostilities to the air, an element from which they have hitherto been all but excluded. The larger nations of the Continent are apparently determined to permit, indeed to perfect aerial warfare, and any one who raises his voice against this is as one crying in the wilderness.

I am unable to continue further this brief enumeration, but I have, I believe, said enough to show one thing; namely, that, if the Conference would consider the business of the previous Conferences as unfinished business, and if it would take up and reach conclusions upon a treaty of arbitration and the establishment of a truly permanent international court, a very long step would be taken toward the juridical organization of the world, and the creation of what might be called by analogy a judicial or juridical union within the larger union of the society of nations which is slowly but surely taking visible form and shape.

I now pass to the second phase of the subject and shall say a few words in conclusion upon the organization and procedure of the Conference. My friend, Mr. Lange, who was a delegate from Norway to the Second Hague Conference, will bear me out when I state that the Conference, however distinguished and



worthy of respect, was nevertheless a Russian assembly. When the Conference met at The Hague, the Minister of Foreign Affairs of Holland called it to order and proposed that a telegram should be sent to the Czar of Russia, which was in itself a proper enough proceeding. He then proposed that the first delegate of Russia should be president. M. de Nelidow, the first delegate of Russia, overcome, it would seem by this unexpected announcement, ascended the tribune, put his hand in his pocket and pulled out a printed copy of his impromptu address as presiding officer. After thanking the Conference for the honor it had done him, he proposed that the Conference be laid at the feet of her Gracious Majesty the Queen of the Netherlands, whose hospitality the representatives were enjoying. This was very properly done. He next suggested, in accordance with diplomatic precedent, that a secretary general and a secretary general for drafting purposes be appointed, with a competent personnel. These various gentlemen were selected without discussion or vote. At the next meeting of the delegates the president proposed that so many commissions should be appointed, which he named and indicated the names of the presiding officers of the commissions which he constituted. These matters are of fundamental importance, for upon the skilful organization of the Conference and the selection of efficient officers its success depends. Yet there was no vote taken, nor was there a suggestion of a vote. There was a pause after each of the president's recommendations—a silence which you might have cut, had it not been impenetrable—and the official report of the proceedings issued the next day indicated that all these recommendations were carried by the simple expression of *assentiment*. It is no doubt true that the president had discussed the organization of the Conference with various members during the interval between the First and Second Sessions, but it is a fact that nothing was farther from the thoughts of the distinguished president than to submit his general recommendations to discussion. They were submitted for approval, because in diplomatic conferences everything is apparently cut and dried in advance.

Now, that sort of procedure, while it is calculated to keep the Conference within bounds, is not of a kind to promote freedom in the exchange of views. There was very much friction and not a little discontent expressed at the high-handed and arbitrary method of officering and running the Conference, and for this as well as other reasons, the American delegation proposed that steps should be taken to devise in advance of the Third Conference the proper organization and procedure, with the express purpose of getting rid of a Conference called into being and dominated

by the representative of one power, whatever that power or whoever that representative might be.

The effect of the recommendation as adopted by the Conference is clear and unmistakable—so clear and unmistakable, indeed, that the French delegates, notwithstanding the alliance which is supposed to exist between Russia and the Republic, said in effect in the official report to their government that the recommendation internationalized the Conference, that it took it out of the hands of any one power and placed it in the hands of the nations as their cherished possession. It is to be hoped that the preparatory committee will rise to the occasion and devise a method of organization and procedure suited to an international conference, in which each nation meets as an equal and from which domination or suspicion of domination should be excluded.

I would submit that, whatever organization be devised or procedure recommended, it is essential that the Conference should organize itself. There is happily material at hand which may render unnecessary the appointment of a special preparatory committee, upon which all the states may wish to be represented and which would cause heartburns if some of them were excluded. I refer to the Administrative Council created by the convention for the pacific settlement of international disputes at The Hague, which is composed of the diplomatic representatives of the powers who care to accredit representatives to Holland. The Administrative Council thus composed meets under the presidency of the Dutch Minister of Foreign Affairs, and, as all the nations are represented which care to accredit ministers, this committee could be considered as the preparatory committee for the purposes of the recommendation. If the committee be considered unwieldy, a smaller body, forming an executive committee, might be chosen by its members from among themselves. The smaller committee could take up the question of the program, the system of organization and procedure, and report to the Administrative Council, whose members would properly, and no doubt promptly, communicate to their respective governments the various matters which had been submitted. In this way a tentative program might be drawn up either by the Administrative Council or by the executive committee acting under its instructions. When approved by the powers represented at The Hague, it might properly be submitted by the Dutch Minister of Foreign Affairs to the powers not represented and, when accepted by them, we would have a program and a system of organization and procedure.

But however carefully a program be prepared and however anxious those in charge may be to include the various subjects proposed by the powers, it is clear in theory and established in



practice that some powers will object to certain subjects which other countries may propose. As nations are regarded as equals in an international conference, it is difficult to see how any one power should arrogate to itself the right to determine the form and content of the program. In an extreme case a state might refuse to attend the conference, if the program is not satisfactory, but such conduct is at variance with the spirit which should prevail at peace conferences. The solution of the difficulty would seem to be to omit from the program subjects to which objections are made, with the understanding that any and every state reserves the right to lay before the Conference the subject or subjects in question. In this way the official program would represent the minimum, but it would be a minimum upon which the powers had agreed in advance and would be enlarged by the addition of the various subjects which had been expressly reserved. I say "expressly reserved," because there must be some limit placed upon the program. The proposals, which a power intends to make at the Conference, should be communicated to the program committee, so that the nations may be notified in time to prepare themselves for their adequate discussion. Otherwise the purpose of the recommendation would be frustrated.

This method is indeed far from perfect, but it has the advantage of utilizing a committee which is in existence, and prevents discrimination and friction resulting from an attempt to form a small committee, which could not include all the powers. Supposing that such a proposition should commend itself, I would next suggest that the names of the delegates appointed to the Third Hague Peace Conference be sent to the Dutch Minister of Foreign Affairs several months in advance of the Conference and that he should communicate the names to the Administrative Council. From the names thus communicated, the Administrative Council, or the executive committee thereof, might agree upon the name of the presiding officer to be submitted to the Conference. The choice of the committee would probably be approved by the delegates, but there should be a check upon the committee. It should be provided in the rules of procedure that the president should be elected by the Conference and that any delegate is authorized to make a nomination at the opening session. The president should open the different commissions which had been agreed upon, but he should thereupon turn each commission over to itself and allow it to elect its presiding officer, its secretary and its *rapporteur*, who is a very important and influential person in an international conference. The Administrative Council might thus serve not merely as a preparatory committee, but as a standing committee between the meetings of the Conferences, with power, through the Dutch Minister of Foreign Affairs, to suggest to the powers the ratification of treaties or such

other steps as might in their opinion be necessary either to complete the work of the preceding Conference or to prepare the work of the next one.

If some such system of organization and procedure were devised, the delegates would not feel deprived of a voice in the organization. The Conference would be a diplomatic conference, in which diplomatic precedents would be largely in control, but it would be a conference in which each state was represented as of right, in which each nation, large or small, stood upon the plane of equality, in which each country had the right to present its views and to bring all subjects of a proper nature to discussion. We would then have in fact as well as in theory an international conference at The Hague. (Applause.)

MR. CHARLES HENRY BUTLER: Mr. Chairman.

THE CHAIRMAN: Mr. Butler, of Washington, who was also a member of the American delegation to the Second Hague Conference.

#### REMARKS OF MR. CHARLES HENRY BUTLER

There are one or two little things I want to add, not in relation to the proposed conference that is to be held, but in regard to the one that was held; that is, in regard to the de-Russianization (if there is such a word) of the Conference by the action of the American delegation, which was largely instrumental in obtaining the final decision of the Second Hague Conference that the Third Conference should be in the hands of the nations at large instead of one nation. In saying that, I do not wish to detract from the honor that is due to the Czar of Russia in instituting the Hague Conference. It will be remembered that the Second Conference had perhaps, as you might say, two initiations: the earlier came from Washington, and was issued about a year before the Conference was finally called. It issued from the White House by the then President, Mr. Roosevelt. The Conference was finally called, however, by the Czar of Russia after diplomatic correspondence, and Mr. Roosevelt had waived his right pre-emption.

When the final act of the Second Hague Conference was under discussion in the "Comité de Redaction" for its final form, the American member of the Committee was our friend Dr. James Brown Scott. The first proposition as it entered the committee and had been drafted by those in more or less control of the Conference recited simply that the Second Conference had been called by his Majesty the Czar of Russia. When it emerged from that committee, the fact appeared that the Second Hague Conference was really an American institution. That this statement was



incorporated into the final act, which stated the facts as they actually were, was largely due to the insistence of Dr. Scott, who, while perfectly willing that Russia should have all the credit to which she was entitled, still insisted that she should not have all to the exclusion of those who were entitled to a substantial share of it.

I think one of the greatest services performed by the American delegation at the Conference was the de-Russianization of the Conference, and it was due in largest measure to Mr. Choate, head of the delegation, and the able seconding and active work of our friend Dr. Scott. (Applause.)

THE CHAIRMAN: We are very fortunate in being able to listen to a second voice from the German Empire. As the next speaker I have the honor to present a gentleman who has vigorously and successfully associated himself with the movement for a bureau of international understanding, Dr. OTFRIED NIPPOLD, of Oberursel, Germany, formerly Professor of International Law at Berne University.

## GERMANY AS A FACTOR IN THE INTERNATIONAL PEACE MOVEMENT

ADDRESS OF DR. OTFRIED NIPPOLD

I would not have the courage, with the small knowledge I have of the English tongue, to speak before you, but I know that you will not regard the form, but the contents of what I have to say, and that you will, therefore, excuse the mistakes I may make in my first English speech. And I have, indeed, a great many things I should like to tell you.

First of all, let me perform the agreeable duty to bring you the compliments of my German colleague, Professor Zorn in Bonn, The Hague delegate, who was much pleased to accept the kind invitation, but who could unfortunately not make it possible to attend this conference. I should be very glad to see him here as a witness of the feelings among the international lawyers in Germany with regard to the progress of international law and especially of arbitration.

In America, the question of the arbitration treaties with England and other countries is to-day in the center of interest. It will, therefore, be allowed to one familiar with Switzerland to remind you that the most perfect arbitration treaty ever concluded was that between the United States and Switzerland in 1883. The example then given by the two republics has never since been reached in the practice of states. And, besides, that treaty was very simple; there was only one article referring to the extension of arbitration, stating that the contracting Powers engage to submit all differences arising between them, whatever

may be their cause, nature or object, to an arbitration court. That was all! It is impossible to get anything better, although such a convention would nowadays of course not be possible between all states belonging to the international community.

Such a simple form of arbitration treaties, as in the said convention, is in my eyes the most desirable form for the international intercourse of states, and it would mark great progress if we could go back in the matter of arbitration to the year 1883. But even if there were added to such a treaty a clause stating that all differences shall be submitted to arbitration, except those touching the independence of the contracting powers, I should not consider it a great disadvantage. For the chief point is to get arbitration recognized as the *regular way* to settle disputes between states and to give that recognition a form which renders it acceptable to *every* state. If there is added a clause like the above, stating a *clear* and *indubious* exception from the rule, we ought not to exaggerate the weight of such a restriction and not forget that such a statement forms at the same time a guarantee of the good will of the contracting powers for strict observance of the treaty. If such a treaty were concluded between civilized states, stating arbitration as a rule with the sole exception of those very rare cases when the existence of a state is engaged, we need not make, then, a special list of cases subject to arbitration, as was tried at The Hague in 1907, but may confine ourselves, then, to the statement of the rule and find the main point for our endeavors in making that treaty generally and practically recognized by the whole community of states represented at The Hague. We may do so all the more, as, for the very few differences falling under the restricting clause, there are still other ways of procedure besides arbitration provided in the law of nations.

When we shall have reached such progress in the question of arbitration at The Hague—and it is to be hoped that the Third Hague Conference will bring such progress—then no more special arbitration treaties will be necessary between single states. But for the moment we are not so far advanced. We must congratulate, therefore, especially the American government and the American people for the great exertions they have made and still make to promote the arbitration cause by concluding treaties with several nations. The work of the Lake Mohonk Conferences in the matter of arbitration is to be highly appreciated, and I feel indeed very thankful to have an opportunity to get a personal impression of your work and, for my modest part, to make it known among the German international lawyers and the German public.

But I have for to-day another theme upon which I should like to speak. I am glad to make you acquainted with a work which



we have of late undertaken in Germany and which will become, it is to be hoped, of some importance for the progress of the ideas of which we are all adherents. To speak to you about this matter, I must begin a little in the past. I had been studying the peace movement in Europe for several years from the point of view of an international lawyer interested in the progress of international law. It struck me how very different the ideas about that movement were in the different countries, and also, how its organization was more or less advanced in those countries. Nowhere is it so advanced as in the United States where you have plenty of peace organizations, and nowhere does it come so short of your standard as in Germany, where organizations of a really considerable influence on the greater public and especially on the leading circles are not to be found. The German public in general takes no interest at all in anything connected with international law, Hague Conferences, arbitration, peace movements, etc., notwithstanding the praiseworthy efforts of the German Peace Society and of the different committees.

It was clear, therefore, that the chief work had to be done in Germany, and that, if we had once won some influence on the public opinion of the Germans, the most difficult part of the work had been done. For if we have taken Germany, we have taken the world. That is the last, the hardest fortress to be taken. You Americans, you are taken long since! But a full success for our ideas can only be obtained when we have once won all fortresses without exception. All the endeavors to secure world peace can only be fully successful if all nations take part in them. Thus, in Germany a big work was to be done and that work to be successful had to be adapted to the German feeling.

It was necessary, therefore, to begin with German science, but of course the task could not be confined to the men of science; a propaganda was necessary in all classes of the population. And, furthermore, the progress to be aimed at could not only be a progress in *law*, but was also to be a progress in *politics*; indeed, the progress in politics is even the *condicis sine qua non* of a real, a serious progress in international law. This latter will not be possible, until we have instead of the politics of to-day, instead of the politics of mutual distrust, a policy of mutual understanding.

That was the starting point; these were the experiences and the ideas, from which we departed, my German colleagues and myself, when we decided to take the initiative for the creation of a great Union for International Conciliation which hopes to make it its mission to work for the further development of international law and for a policy of international understanding. We decided to begin our work in Germany, but to extend our

propaganda also to other countries. For the goal can, of course, only be attained by an *international* organization. The German Union for International Conciliation ought to be considered thus, only as a branch, a section of a greater international union, embracing all organizations with similar tendencies. The Union should either create new sections in other countries or enter into friendly relations with other organizations already existing.

I am very happy to tell you that, after having published an appeal in the autumn of 1910, we succeeded last year in creating such an organization in Frankfurt, and that I have been charged by the Union to bring you its best wishes for a full success of this Conference. (Applause.)

The Union has begun its propaganda among the international lawyers whose competence in the matter in question cannot possibly be doubted. To-day we count among the members of the Union the leading men of Germany in that science. And from jurisprudence we have passed on to the other branches of science, for Germany is a country which must be conquered by science. We have indeed succeeded in winning members of all lines of the German universities, among which are many of the first and best known names. And we have also been successful in winning prominent politicians of all parties as well as leading men of commerce and industry; in short, our propaganda has begun to gain among all classes of the population. For what we must try to become is an organization capable of embracing all the broad masses of those who are really peacefully inclined, and those, too, who do not approve of all points in the program of the peace societies. The new organization will not constitute a *rival*, but a *complement* to the peace societies, to get hold of those great sections of the people which have not yet been won for the peace movement.

The Union for International Conciliation has distributed its work among several committees. There is a law committee which counts, among its members, only well-known international lawyers. There is an education committee in which you will find noted pedagogues and historians, for we are convinced that our work has to begin with the education of the young. There is, further, a press committee, for we know quite well how great is the influence of the papers in the good as well as often in the bad sense, and we for our part must try to make it so only in the good sense.

But I will not enter into further details. These few remarks will, I hope, be sufficient to show you in what directions we are willing to work. In several respects, what we are doing will, perhaps, seem to coincide with the ways of working of the Carnegie Endowment. At any rate, we hope to come into friendly relations with all similar organizations in other coun-



tries. For what we wish to conquer is not Germany, but the world, and if Germany is once won, then we shall easily have the whole world for us and for our ideas. Everyone who believes in progress of humanity must also believe in the final victory of those ideas, and that gives us the confidence to overcome all difficulties. (Applause.)

Mr. SMILEY: May I ask Dr. Nippold one question? It has been reported in this country that Germany and Russia and Japan are ready to adopt treaties like those President Taft concluded with England and France. Now, is that true of Germany? In view of what has been said as to Germany's lack of interest in arbitration, it would be interesting if Germany is willing to submit to arbitration practically everything without reservation.

Dr. NIPPOLD: I do not know the standing of the negotiations.

Dr. LANGE: May I say that I think the statement made in regard to Germany's attitude in this question was that the German government would be glad to consider the conclusion of a treaty if the proposal were made by the United States. I do not think it has been said Germany was willing to adopt any treaty which may be proposed, but merely willing to consider the proposal.

Mr. SMILEY: Thank you.

THE CHAIRMAN: As the concluding speaker of the evening, I have peculiar pleasure in presenting a distinguished and eloquent representative of the best thought in New York, the Reverend Doctor JOSEPH SILVERMAN, Rabbi of the Temple Emanu-El.

## THE RELATION OF THE CHURCHES TO INTERNATIONAL ARBITRATION

ADDRESS OF REV. JOSEPH SILVERMAN, D.D.

Being a preacher I shall stick to my text and speak only on the subject assigned to me—"The Relation of the Churches to International Arbitration." And I want to state at the outset that in all that I shall say I will use the term "churches" in its generic sense, which I imagine was intended by the assignment of the subject, and hence the churches will include synagogues. I would like to have used another term instead of "include"—and encouraged by your smiles I may say I think the churches ought to "embrace" the synagogues. I mean embrace in several senses. Maybe it has been a mistake all along that there has not been enough embracing.

When we begin to consider the relation of the churches to international arbitration religion is about coming to its own, for

religion has no other purpose, and if sincerely preached and practiced, can have no other result than the establishment of universal peace by peaceful means, that is through arbitration. Even though nations may seek to justify some wars on the plea that wars have at times been necessary for the establishment of lasting peace, religion has as its goal, and must always have as its goal, the establishment of peace only by peaceful means.

The Bible is replete with admonitions to men to maintain pacific attitudes to one another. "Seek peace and pursue it;" "Come in peace and go in peace;" "Seek the truth and the peace;" "Better is a meal of herbs and peace therewith than a houseful of feasting and strife,"—are some of the well known verses in the Old Testament on this subject. And it may be appropriate to quote that fine word from the New Testament: "Blessed are the peacemakers for they shall be as the sons of God." The Bible holds out peace as a reward to the righteous and the lack of it as a punishment for the wicked in the words: "Mark the perfect man and behold the upright, for the end of that man is peace," and, "there is no peace for the wicked." And naturally as the Scripture emphasizes peace as the greatest of all the virtues, so it condemns war.

The prophets are emphatic in their declarations regarding the unity of mankind and the cessation of hostilities amongst men. There is no sublimer dream in any literature in the world regarding the millennium than that sublime picture portrayed by the prophet in those words that have done duty so often but can never do duty enough: "The Lord will judge amongst the nations and many peoples and they shall beat their swords into plowshares, and their spears into pruning-hooks: nation shall not lift up sword against nation and they shall not learn the arts of war any more."

Based upon the Bible and the avowed aim of religion the duty of the churches is plain. What grander religion can any one espouse than to inculcate the lessons of living peaceably together at all times? It is the very beginning, the end and the whole content of religion. Such a religion includes all theologies and all rituals.

The Talmud—that ancient repository of Jewish law and tradition—has a very significant word on this point. It says that the whole law—meaning thereby the whole scriptures—was given to mankind for only one purpose, namely, for the maintenance of peace amongst men. The thought of those Rabbis was, that all principles and precepts for the guidance of human conduct are only intended to establish amicable relations amongst men, to reconcile them one to another. An isolated individual needs no law, needs no commandment regarding truth and justice, the rights to life, liberty and the pursuit of happiness. Law becomes



necessary only when the peace between two or more people must be preserved, and wherever you have two people living together there you must have a law of truth and justice or you will have no peace.

The moral law upon which religion after all is based has only one aim, the reconciliation of men to one another. On this line of argument the ancient law of Leviticus, "Thou shalt love thy fellowmen as thyself," assumes a grander meaning when it is interpreted to read, "Thou shalt love thy sister nation as thine own." And the word of the prophet, "He hath told thee, O man, what the Lord requires of thee: to do justice, to love mercy and to walk humbly before thy God," has a profounder significance when we call out to the nations of the earth, "Hear, O nations, what thy God requireth of thee; only to do justice, to love mercy and to walk humbly before thy God." And the same applies to the word of Malachi: "Have we not all one Father? hath not one God created us? Why then shall we deal treacherously with one another?" Let the churches call out in the name of Divinity to the nations of the world: "Hear, O ye nations of the world" (not merely the ancient tribes of Israel to whom the text was originally applied) "hear, O ye nations of the world: have we not all one Father? has not one God created us all? Why shall we deal treacherously one nation against the other?"

It is futile to ask why the churches have not done this work of world-pacification for the last three thousand years; it is vain to indulge in incrimination and recrimination. Let us merely say, nations have erred; religions have erred, and therefore nations have suffered and religions have suffered. Let us say that religion was too busy with theology, with creeds, with rituals; that the churches were too much absorbed with the forms and not enough with the essence of religion and hence the result—rivalry, heresy trials, intolerance, prejudice, persecution, sects and sectaries and denominations and denunciations. Hence religion has suffered and mankind has suffered. But let it all pass. All that was seemingly a necessary part of the world's evolution.

We had to have a Titanic disaster in order that the world should learn the lesson of safely navigating the high seas. We had to have bloody warfare, human gore had to be spilt for these centuries past in order that the world in the twentieth century should learn that war is unnecessary for the establishment of peace. We had to have persecution that embittered men's souls in order that we should learn the true definition, the real aim of religion, in order that we should realize that religion and the pursuit of peace are practically one.

Let us hope that the world is now beginning to learn this lesson, that there is only **one** religion, namely, the establishment

of peace between man and his Maker, between man and his fellowmen and between nation and nation, and that all the rest—theology, creeds, rituals, forms, ceremonies, Bibles, prophets—are only means to that great end. (Applause.) With this view of religion established there will be an end to rivalry amongst religions—an end to religious prejudice, religious intolerance, and then the millennium will be near at hand.

Hoist the peace flag in the churches and note the result. The various sects hasten to compound their differences and realize that after all creeds are only creeds, mere opinions about God, and that God remains the same, the Divine, Eternal Mystery of the universe, irrespective of what men's opinions are about Him. The pulpits will preach peace, the preachers and the laymen will practice peace and all acrimonious differences will pass away. When amity and harmony are established amongst the religions of the world, then we shall have the millennium. There can be no other millennium a thousand or ten thousand years hence. The millennium is peace, harmony, unity amongst the religions of the world. What then? When there is unity amongst the religions, then there is really one religion. Do you get the point that I mean? There may be differences of forms, of practice, of praying, but when we agree on the fundamentals—on the Divinity and on the moral purpose, the bringing of men to God and the bringing of God nearer to men—then we have absolutely only one religion. Then, my friends, there will be a new reading to the word of the prophet, "Out of Zion shall come forth the law and the word of God from Jerusalem" and it shall mean, "Out of the churches shall come forth the law of liberty and peace and out of religion shall flow the peace, that peace which shall fill the earth as the waters cover the sea." (Applause.)

The relation of the churches to universal arbitration grows, as you have seen, out of the very nature and purpose of religion, but it also grows out of the circumstances that make for war and militate against peace. The millennium will never be established by law; it will not be created by resolutions of peace societies or decrees of Parliament and Congress. Peace is a matter not of words but of human nature. War is the result of the belligerency that is resident in the human soul. Millions and millions of people have become converted, they have been changed from savages into gentle men and gentle women, but there are millions and millions of the unregenerate and unconverted. It is such savage natures whom you can find in every continent and every nation that are responsible for the continuance of warfare, that militate against all measures and all movements for universal peace.

England and America have become so refined that war is abhorrent to the nature of their people and they realize, as the



Scripture says, that it is an honor for a man to withdraw from strife. They realize that it is an honor for a nation to withdraw from strife, but there are other nations, Mexico and China and Japan and Russia and Italy and Turkey, and a host of smaller ones that are content with war and with its profits and losses. Here, then, is a field for the religious missionary, for the new missionary who will go forth to preach and to practice the religion of peace. Let the churches send forth the missionary that shall teach those nations the true purpose of a nation, the relation of the individual to society and of society to the individual and the interdependence of all nations upon one another for power, aggrandizement, happiness and peace. Let the churches go forth to preach to them the true meaning of the Fatherhood of God and the true meaning of the Brotherhood of man.

The Brotherhood of man—there is the rub! What does it mean? I will not give you a dissertation on it, but I will tell you a little story in all reverence. A tramp called at the house of a religious farmer and asked for bread and the kind-hearted farmer said to him, "I will give you bread, but tell me, have you to-day said the Lord's prayer?" "No," said the tramp, "I know not the Lord's prayer." "Then," said the farmer, "if you are truly hungry and wish bread, I will teach you first the Lord's prayer." The tramp assented in his predicament, hunger compelling him to assent, and the farmer began. "Our Father, who art in heaven"—and he made the tramp repeat it. "Our Father who art in heaven, Hallowed be Thy name. Thy kingdom come. Thy will be done on earth as it is in heaven" and the tramp learned the lesson. And the farmer began the next sentence: "Give us this day our daily bread"—and with that taking the loaf of bread he began cutting off a slice; and the hungry tramp looked on and then stopped the arm of the farmer as he cut and exclaimed: "Did you say 'Our Father who art in heaven?'" "Yes." "You mean your Father and my Father?" "Yes." "Then you and I are brothers?" "Yes, you and I are brothers." "Then," said the tramp, "dear brother, cut those slices a little thicker!"

And that story reveals the true meaning of brotherhood that will convert and regenerate the still unconverted nations of the world and teach them what we mean by a religion that preaches and practices and makes for universal peace.

And lastly, my friends, the churches must in all seriousness begin to teach a new ideal of patriotism. The old form of patriotism is responsible for war and for the hesitancy of many in this peace movement. The old patriotism has been translated into a martial spirit. It taught men to repeat that slogan, "My country, right or wrong." Let the churches to-day teach a new

patriotism that shall change that slogan into these words, "My country, when she is right; my country, may she always be right! my country, when she is wrong, may God help to turn her to the right!" The higher patriotism shall define the honor of a nation to consist not in the possession of arms that shall hold all the rest of the world at bay, but in exercise of powers that inspire the nation to take a pride not in the victories of war, even when they become necessary, but always in the victories of peace. The higher patriotism that we need, and that the churches must teach, shall inculcate into the citizens the lesson that something higher than the army is the best representative of the nation. We all honor our heroes and honor our soldiers, but the army must not be regarded as the highest representative of the nation and the highest achievement of patriotism. A story will illustrate my meaning.

An immigrant coming from the other side to New York shores was asked how he liked this new country. He said, "I like it but I don't understand why the government is always off duty. I miss the soldiers at the wharves, at the public buildings and at the street corners." To the immigrant the soldiers represented the government. His friend replied, "Did you not receive your letters this morning?" "Surely, I did." "When the mail carrier brought you your letters," said the friend, "he represented the government and the government is always on duty in this country bringing to you letters from friends, doing the things that uplift the people, that make for education, for art, for science, for philosophy, for literature, for the development of the mind, the heart and the will and for the unification of our nation with all the nations of the world."

We must teach the higher patriotism that shall inculcate the idea that the ballot is more effective than the bullet; that the plowshare is more honorable than the sword, that the hammer is more noble than the musket, the merchant vessel more majestic than the battleship, the court house greater than the battlefield and the school house a greater fortress for the nation than any arsenal; that war is savagery and that universal peace is the highest achievement of civilization. (Applause.)

THE CHAIRMAN: The Conference stands adjourned until tomorrow morning at 9:45.



## **Fifth Session**

**Friday Morning, May 17, 1912**

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THE CHAIRMAN: The first item of business this morning is the presentation of the platform, the declaration to be presented to the Conference for adoption, which will be read by the Hon. OSCAR S. STRAUS, Chairman of the Executive Committee of the Conference.

Hon. OSCAR S. STRAUS: After the papers and discussions to which we have listened, it is customary and proper that the consensus of opinion of the Conference be presented in some tangible form, and an important committee is appointed for the purpose of formulating that consensus. They have labored carefully and have brought into the form of a platform the views that have been generally agreed upon. No views are here presented on which there has not been substantial agreement. Other questions have been presented to the committee, but even if subjects were carried by a majority, they were not embraced in the platform unless the vote was almost unanimous. I now have the honor to submit the platform, together with one or two supplementary resolutions.

The Platform read by Mr. Straus was seconded by SAMUEL B. CAPEN, of Boston, and it and a supplementary resolution were separately and unanimously adopted by the Conference.

(For a copy of the Platform and supplementary resolution, see pages 8, etc.)

The final supplementary resolution, introduced by Mr. Straus, and unanimously adopted, was as follows:

RESOLVED, That the Secretary of this Conference be instructed to send the following message to M. Frederic Passy:

The Eighteenth Lake Mohonk Conference on International Arbitration, gratefully recalling your lifelong service, your devotion and eloquence in the cause of international justice and good will, sends heartfelt greetings and good wishes on the ninetieth anniversary of the day of your birth.

THE CHAIRMAN: We are now to hear the report of the Conference Committee on Business Organizations, to be presented by its Chairman, Mr. JAMES WOOD, of Mt. Kisco, N. Y.

## REPORT OF COMMITTEE ON BUSINESS ORGANIZATIONS

PRESENTED BY MR. JAMES WOOD

The Committee on Business Organizations reports the following progress during the year 1911-12.

### *Bulletins:*

The plan of former years of issuing bulletins has been continued with good results. Available funds permitted the issue of only three bulletins during the year. They were:

No. 11, Nov. 1, 1911.—“Arbitration Treaties with Great Britain and France.”

No. 12, Feb. 1, 1912.—“Business Men’s Opinion of International Arbitration.”

No. 13, April 1, 1912.—“Eight Milestones of International Progress.”

Copies of these bulletins will be reprinted as a part of this report.

These bulletins have been distributed:

1. By co-operating business organizations. Forty organizations have agreed to receive monthly in bulk a fixed number of bulletins to distribute to their members. Copies are sent direct from their offices usually accompanying some of their official communications, thereby securing the advantage of local interest.

2. By the conference office to its regular correspondents and persons on its special mailing lists, to organizations not handling a definite number of bulletins, to former delegates from business organizations, members of Committees on International Arbitration of co-operating organizations, etc.

Some results of issuing regular bulletins have been:

1. Many business organizations reprint the whole or parts of some bulletins in their official publications, thereby greatly adding to their publicity.

2. The secretaries or other officials of many bodies send copies of each bulletin to their local papers with a request for publication. Some have personally taken up the matter with their local editors and arranged to have them furnished with matter from the conference office. Others have in like manner interested prominent men in their communities.

3. Many individual members of organizations who have received bulletins have written the conference office which has thus come in touch with many men it has been glad to add to its lists.



### *Statistics of Co-operating Organizations:*

No attempt has been made to increase the number of co-operating bodies. There have been two voluntary additions during the year. Two other organizations have merged. The number is now 177, including 6 of national and 9 of state scope, themselves representing hundreds of constituent bodies. Practically all these bodies are among the larger organizations of the larger cities of the United States and Canada. A list of these co-operating organizations forms a part of this report.

Thirty-seven organizations have standing Committees on International Arbitration. Some of these committees have shown very satisfactory interest.

Delegates to this Conference have been appointed by 65 organizations, and representatives of 47 are actually present. It is worthy of note that 8 organizations are represented by their presidents and 3 by their vice-presidents. The delegates have met in special session and have prepared a resolution for action by the Conference. A list of delegates is appended to this report.

### *Activity of Co-operating Organizations:*

Aside from the co-operation in reprinting or distributing the monthly bulletins and in interesting the press, many organizations have assumed special forms of activity. Several have seen the importance of procuring distinguished speakers at their annual meetings. The Erie Chamber of Commerce, for example, secured an address by President Taft on the subject of "World Peace." Others are continuing to offer prizes for essays by pupils of city schools.

### *Arbitration Treaties with Great Britain and France:*

This committee reported last year considerable interest among business organizations in anticipation of the submission to the Senate of the arbitration treaties with Great Britain and France. For several months before the action of the Senate on these treaties, the office of the Conference conducted a vigorous campaign among business men and business organizations in behalf of the treaties. It is not definitely known how many men and organizations urged the ratification of the treaties, but at least 108 organizations reported emphatic action. In each of these cases the matter was considered by the organization and the form of action (usually resolutions, sometimes letters) was in each case original with the acting body. In like manner hundreds of business men addressed their Senators and 393 of them made report to the Conference office. It is believed that business men and business organizations in every state of the union strongly

indicated to their Senators their desire for the ratification of the treaties without substantial amendment.

JAMES WOOD, Mt. Kisco, N. Y., *Chairman*,  
 HARLOW N. HIGINBOTHAM, Chicago,  
 WILLIAM MCCARROLL, New York,  
 MARCUS M. MARKS, New York,  
 GEORGE FOSTER PEABODY, New York,  
 ELWYN G. PRESTON, Boston,  
 CHARLES RICHARDSON, Philadelphia,  
 CLINTON ROGERS WOODRUFF, Philadelphia,  
*Committee on Business Organizations.*

May 17, 1912.

Along with this report, and on behalf of the delegates present from business organizations, we submit to the Conference for its action the following resolution:

RESOLVED, That the Lake Mohonk Conference on International Arbitration, realizing the vast influence of commercial interests upon the governments of the civilized world, urges upon the representatives of these interests throughout all countries to be continuously active in shaping public opinion so as to make it more difficult to attempt to settle international disputes by war; and also, when disputes may approach an acute stage, to bring every possible influence to bear upon governments, to induce them to submit such differences to arbitration.

RESOLVED, That the Secretary of the Conference be instructed to forward copies of this resolution to such business organizations in America and Europe as, in his judgment, may co-operate to accomplish the end desired.

Years ago Mr. Smiley realized that this Conference would not be complete if its membership were confined to those who were engaged almost exclusively in the consideration and discussion of principles. The vast material interests of the world have quite as much to do, possibly much more to do, in shaping the policies of governments than do academic discussions of the principles involved. Therefore, Mr. Smiley put this Conference into practical touch and relationship with the business organizations of the country and the representatives of these organizations have for a number of years actively participated in the deliberations of the conferences.

Heretofore our activities have been confined to the business organizations in this country and Canada, but it has this year been especially brought before the representatives of the business organizations here at this Conference that the commercial interests of the world are a composite whole, and that whatever affects the commerce of one country or of one section of any country affects the commerce of the entire world. The county in which we are met is the greatest fruit producing county in the United States, except alone the citrus belt of California. The fruits that are sent from this county of Ulster to the city of New



York materially affects the fruit trade of all America and the fruit trade of the Mediterranean, and other sections of the world.

This illustration shows how important it is that we should have our activities broadened and extended to the business organizations of the entire world. Therefore it is that the business men at their special meeting held during this Conference have prepared and now offer this resolution that this Conference may be in touch with the business interests or the representatives of the business interests throughout all countries. With the business organizations of other countries co-operating with those of this land, a mighty influence would be brought to bear upon the governments of the civilized world, the importance and the consequences of which we cannot now foretell. (Applause.)

I move the adoption of this resolution.

THE CHAIRMAN: The question before the Conference is on the adoption of the resolution, reported with the approval of the Executive Committee by the Committee on Business Organizations.

The resolution was unanimously adopted.

## DELEGATES OF BUSINESS ORGANIZATIONS PRESENT AT THE CONFERENCE OF 1912

### NATIONAL

National Association of Manufacturers.....	A. B. Farquhar, York, Pa.
National Business League of America.....	L. W. Noyes, Ex-President, Chicago, Ill.
National Hardware Association.....	J. A. McKee, Philadelphia, Pa.
National League of Commission Merchants.....	A. W. Patch, Boston, Mass.

### CANADA

Toronto Board of Trade.....	Herbert Langlois.
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### COLORADO

Denver Chamber of Commerce.....	E. A. Peters.
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### CONNECTICUT

New Haven Business Men's Association.....	F. P. Lewis, President.
New Haven Chamber of Commerce.....	Eli Whitney.

### KENTUCKY

Louisville Board of Trade.....	Arthur Y. Ford.
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### MAINE

Maine State Board of Trade (Bangor).....	F. E. Boothby, President.
Portland Board of Trade.....	Chas. F. Flagg, President.

### MASSACHUSETTS

Boston Chamber of Commerce.....	Edwin F. Greene.
Massachusetts State Board of Trade (Boston).....	R. L. Gay, Secretary.
Lynn Board of Trade.....	Henry A. Sawyer, Secretary.
Springfield Board of Trade.....	George H. Sutton.
Waltham Board of Trade.....	J. S. Kennedy, Vice-President.
Worcester Board of Trade.....	Chas. T. Tatman, Ex-President.

## MICHIGAN

Lansing Chamber of Commerce..... J. H. Moores, President.

## NEW JERSEY

Camden Board of Trade..... A. C. Wood.  
 Elizabeth Board of Trade..... Elias D. Smith.  
 Jersey City Board of Trade..... A. C. Stratford, President.  
 Newark Board of Trade..... John McDowell.

## NEW YORK

Albany Chamber of Commerce..... E. C. Leonard.  
 Amsterdam Board of Trade..... A. R. Conover, Vice-President.  
 Binghamton Chamber of Commerce..... L. M. Wilson, Ex-President.  
 Buffalo Chamber of Commerce..... R. R. Hefford, Ex-President.  
 Elmira Chamber of Commerce..... S. E. Eastman.  
 Geneva Chamber of Commerce..... John W. Mellen.  
 Kingston Chamber of Commerce..... Samuel Bernstein, President.  
 Lockport Board of Trade..... M. H. Hoover.  
 Manufacturers' Association of New York..... A. F. Wilson, Ex-President.  
 New York Board of Trade and Transportation.... Wm. McCarroll, Ex-President.  
 New York Merchants' Association..... J. Crawford McCreery.  
 New York North Side Board of Trade..... J. Harris Jones, President.  
 Poughkeepsie Chamber of Commerce..... H. T. Hoag, Secretary.  
 Rochester Chamber of Commerce..... Daniel B. Murphy.

## OHIO

Cincinnati Business Men's Club..... D. B. Meacham.  
 Cincinnati Chamber of Commerce..... E. P. Marshall.

## PENNSYLVANIA

Erie Chamber of Commerce..... Clark Olds, Ex-President.  
 Harrisburgh Board of Trade..... J. H. McFarland, President.  
 Philadelphia Board of Trade..... W. R. Tucker, Secretary.  
 Philadelphia Chamber of Commerce..... C. J. Cohen, Vice-President.  
 Philadelphia Commercial Museum..... W. S. Harvey.  
 Pittsburgh Chamber of Commerce..... S. B. McCormick.

## RHODE ISLAND

Providence Board of Trade..... Frederick H. Jackson, Ex-President.

## VERMONT

Burlington Commercial Club..... H. S. Howard, Secretary.

## WISCONSIN

Milwaukee Chamber of Commerce..... E. P. Bacon.

## CO-OPERATING AND CORRESPONDING BUSINESS ORGANIZATIONS

(List corrected to June 20, 1912)

The following bodies have enrolled as Co-operating and Corresponding Business Organizations to assist in furthering the work of the Mohonk Conference. Organizations marked with a § regularly distribute stated numbers of the Business Men's Bulletins issued by the Conference; those marked with a \* have adopted resolutions favoring international arbitration, or assumed other active co-operation; those marked with a † have standing committees on international arbitration; and those marked with a ° have appointed delegates to one or more meetings of the Mohonk Conference.





## NEW JERSEY

Board of Trade*	°	Camden.
Board of Trade*	†	Elizabeth.
Board of Trade*	°	Hoboken.
Board of Trade	°	Jersey City.
Board of Trade*	†	Newark.
Board of Trade	°	New Brunswick.
Taxpayers Association.		Paterson.

## NEW MEXICO

Commercial Club°.....Albuquerque.

## NEW YORK

Chamber of Commerce\*†°§.....Albany.  
Board of Trade\*°§.....Amsterdam.  
Business Men's Association\*†°§..Auburn.  
Chamber of Commerce\*†°§...Binghamton.  
Manufacturers Association of New York\*†°  
Brooklyn.

Chamber of Commerce\*<sup>o</sup>§. . . . .Brooklyn.  
 Chamber of Commerce\*<sup>†</sup><sup>o</sup>. . . . .Buffalo.  
 Chamber of Commerce<sup>o</sup>\*. . . . .Elmira.  
 Manufacturers Association. . . . .Geneva.  
 Chamber of Commerce<sup>o</sup>. . . . .Jamestown.  
 Board of Trade<sup>o</sup>. . . . .Kingston.  
 Board of Trade<sup>o</sup>. . . . .Lockport.  
 Board of Trade and Transportation\*<sup>†</sup><sup>o</sup>.

	New York.
Merchants Association*†° . . . . .	New York.
North Side Board of Trade*° . . . . .	New York.
Produce Exchange* . . . . .	New York.
Chamber of Commerce°* . . . . .	Poughkeepsie.
Chamber of Commerce*°§ . . . . .	Rochester.
Chamber of Commerce*°§ . . . . .	Syracuse.
Chamber of Commerce . . . . .	Troy.
Chamber of Commerce* . . . . .	Utica.
Chamber of Commerce†°* . . . . .	Watertown.

## NORTH CAROLINA

Board of Trade\*.....Ashville.  
Commercial Club. . . . .Charlotte.  
Chamber of Commerce\* . . . .Greensboro.  
Chamber of Commerce and Industry

Retail Grocers Association.....	Raleigh.
Board of Trade.....	Winston-Salem.

## OHIO

Business Men's Club\*†° . . . . . Cincinnati.  
 Chamber of Commerce\*†° . . . Cincinnati.  
 Chamber of Commerce\*†° . . . Cleveland.  
 Chamber of Commerce\*†° . . . Columbus.  
 Chamber of Commerce\* . . . . . Dayton.  
 Chamber of Commerce\*§ . . . . . Elyria.

## OKLAHOMA

Chamber of Commerce<sup>o\*</sup>...Oklahoma City.

## OREGON

Board of Trade°.....	Portland.
Chamber of Commerce*°.....	Portland.

# PENNSYLVANIA

Board of Trade. . . . .	Chester.
Board of Trade*. . . . .	Erie.
Business Men's Exchange* <sup>o</sup> . . . . .	Erie.
Chamber of Commerce* <sup>†o</sup> . . . . .	Erie.
Board of Trade* <sup>o</sup> . . . . .	Harrisburg.
Chamber of Commerce* <sup>s</sup> . . . . .	Lancaster.
Chamber of Commerce. . . . .	McKeesport.

Board of Trade*†°§ . . . . .	Philadelphia.
Chamber of Commerce*†°§ . . . . .	Philadelphia.
Commercial Museum°§ . . . . .	Philadelphia.
Chamber of Commerce*° . . . . .	Pittsburg.
Board of Trade. . . . .	Reading.
Board of Trade*†° . . . . .	Scranton.
Board of Trade§. . . . .	Wilkesbarre.
Board of Trade°. . . . .	Williamsport.

## RHODE ISLAND

Merchants Association. . . . . Pawtucket.  
Board of Trade\*<sup>o</sup> . . . . . Providence.

## SOUTH CAROLINA

Chamber of Commerce<sup>o</sup>\*§.....Charleston.

## TENNESSEE

Cotton Exchange* . . . . .	Memphis.
Merchants Exchange* . . . . .	Memphis.
Board of Trade* <sup>o</sup> . . . . .	Nashville.

## TEXAS

Chamber of Commerce°.....Beaumont.  
Commercial Club. ....Dallas.  
Chamber of Commerce.....Galveston.  
Business Men's Club°\*.....Waco.

## UTAH

Commercial Club°.....Salt Lake City.

## VERMONT

Commercial Club°. . . . . Burlington.

## VIRGINIA

Board of Trade and Business Men's Association.	Norfolk.
Stock Exchange.	Richmond.

## WASHINGTON

Chamber of Commerce* <sup>o</sup> †	Seattle.
Commercial Club* <sup>o</sup>	Seattle.
Chamber of Commerce* <sup>o</sup>	Spokane.
Commercial Club and Chamber of Commerce*	Tacoma.

## WEST VIRGINIA

Board of Trade<sup>o</sup>\*.....Wheeling.  
West Virginia Board of Trade<sup>o</sup>.Wheeling.

## WISCONSIN

Commercial Club. . . . .Menomonie.  
Chamber of Commerce\*°. . . .Milwaukee.  
Chamber of Commerce°. . . . .Oshkosh.

## WYOMING

Industrial Club of Cheyenne\*<sup>o</sup>..Cheyenne.

CANADA

Board of Trade*	§.	Hamilton.
Board of Trade*	°.	Montreal.
Board of Trade*	§.	Regina.
Board of Trade*	°.	Toronto.
Canadian Manufacturers Association*		

Retail Merchants Association of Canada\*§ Toronto.  
Board of Trade\*o§.....Winnipeg.



## BULLETINS TO BUSINESS ORGANIZATIONS ISSUED 1911-1912

## BUSINESS MEN'S BULLETIN No. 11

## THE ARBITRATION TREATIES WITH GREAT BRITAIN AND FRANCE

The Business Men's Organizations throughout the country associated with the Lake Mohonk Conference on International Arbitration are urged to bring immediate and energetic influence to bear upon the United States Senators of their several States to persuade them to vote for the confirmation of the pending treaties of arbitration with Great Britain and France without impairing their moral import by any amendments whatever. This action should be taken by the organizations as such, and also and especially by their individual members.

It is not necessary to repeat the statement of the progress made in the cause of international arbitration through the Hague Tribunal and the varied and important cases settled by it. The establishment of an international court of law and justice is likely soon to follow. The pressing need just now, however, lies back of these. It is that nations shall agree by solemn compact to settle all their differences by peaceful processes. Arbitration treaties have heretofore excluded so many classes of controversies from the scope of their operation that they have had little effect in checking the constant and ruinous expenditures in preparation for war. Notwithstanding the Hague Tribunal and all else, there are to-day more soldiers, more fortifications, more guns, more shells and bombs and torpedoes, and more ships of war upon the sea than ever before in the history of the world. More money is now spent in preparation for war than was spent in former times in waging war. The burden of this is crushing the life of the nations and is handicapping the progress of all humanitarian movements.

The treaties with Great Britain and France, now before the Senate, provide for submitting all disputes that can be arbitrated to proper tribunals for settlement. This marks the farthest advance yet attained toward the end desired. All the civilized world looks on with eager expectation. Is the world to be disappointed?

Numbers of Senators are opposing these treaties because they deem that some prerogative of the Senate is being encroached upon, or are making technical criticisms on other points. They are undoubtedly sincere and some of them may be right. But these treaties were negotiated by some of the ablest men in the world. They can not be far amiss. If they are altered in the Senate the world will consider it a defeat, more or less, of the undertaking, and thus incalculable injury will result. Will not this be a greater evil than any that it is claimed will result from clauses that may be defective? Besides, does not any alteration by the Senate constitute something in the nature of an affront to Great Britain and to France? The fundamental idea of a treaty is that it is made by negotiation. Senators should not propose to make treaties by dictation.

Let the business men of the country speak with no uncertain voice. It will have great weight. Strike at once, and strike hard!

JAMES WOOD, Mt. Kisco, N. Y., *Chairman*

HARLOW N. HIGINBOTHAM, Chicago

WILLIAM MCCARROLL, New York

MARCUS M. MARKS, New York

GEORGE FOSTER PEABODY, New York

ELWYN G. PRESTON, Boston

CHARLES RICHARDSON, Philadelphia

CLINTON ROGERS WOODRUFF, Philadelphia

*Committee on Business Organizations*

MOHONK LAKE, N. Y., November 1, 1911.

## BUSINESS MEN'S BULLETIN No. 12

## BUSINESS MEN'S OPINION OF INTERNATIONAL ARBITRATION

The prominent part being taken by the business men and business organizations of the United States in support of the pending treaties of arbitration with Great Britain and France indicates a recent great change in public sentiment. It is not long since the business world regarded arbitration with much skepticism. Now more than two hundred of the most important business organizations of the country are active in its promotion. At the Lake Mohonk Conference on International Arbitration, held in May, 1911, there were present official delegates from forty-five organizations. These representative men met by themselves, framed and presented to the Conference the following statement, expressing in their own words "the sentiment of the business men toward the movement for arbitration and peace:"

"The business men, by extending their enterprises to the ends of the world, have done much to prepare the way to peace between nations.

"Commerce has steadily spread the spirit of cooperation and friendship far and near; it has, through personal contact, which leads to understanding, confidence

and regard, enmeshed the merchants of the earth in one great net of mutual interests. The whole world has become one tremendous commercial body, an injury to any part of which now causes an injury to the whole.

"Business men can no longer afford the risk of international war.

"The leading men of affairs, notably Mr. Carnegie and Mr. Ginn, keenly realize this and have joined actively in the movement to prevent war.

"Business men have always favored negotiation instead of quarrel among themselves; so now they advocate the same method of peaceful adjustment between nations, to preserve the undisturbed commercial relations which are vitally necessary for their welfare.

"The recent developments of the burdens of armament threaten, if continued, to bankrupt the nations. The firm establishment of the High Court of The Hague and the completion of general treaties to refer all differences to this Court will end this destructive competition.

"For, as the civilized individual man no longer carries the sword, so will the nations discard their weapons when a competent court guarantees the triumph of justice.

"The forty-five commercial organizations represented in this Mohonk Conference see hope and encouragement in the progress of treaties now being negotiated and in the rapid strides being made toward the establishment of such an International Court. They believe that there is much need of publicity of the facts concerning the progress of the peace movement.

"They appreciate the educational advantages afforded by the splendid discussions of this Conference, made possible by the broad liberality of Mr. Smiley, and have resolved to aid in every way in giving the widest publicity to the proceedings and reflect their influence at home.

"Recognizing the criminality of any sacrifice of human life in useless battle, which in the end proves no principle but determines simply the relative strength and skill of the combatants, the business men of this Conference call upon men of affairs generally to take a more active interest in the cause of international arbitration and peace, not only for their own selfish interests, but in the broad spirit of the universal brotherhood of man."

The delegates who framed this statement, and the organizations they represented, were:

#### NATIONAL

National Association of Clothiers..... Marcus M. Marks, New York,  
President.  
National Association of Manufacturers..... A. B. Farquhar, York, Pa.  
National League of Commission Merchants..... A Warren Patch, Boston.

#### CALIFORNIA

Chamber of Commerce, Los Angeles..... Harrison Gray Otis.  
Merchants' Exchange, Oakland..... Joseph R. Knowland.

#### COLORADO

Chamber of Commerce, Denver..... E. A. Peters.

#### CONNECTICUT

Business Men's Association, New Haven..... F. J. Linsley, Secretary.

#### HAWAII

Chamber of Commerce, Honolulu..... William G. Cooke.

#### KENTUCKY

Board of Trade, Louisville..... William R. Belknap.

#### MAINE

Maine State Board of Trade, Bangor..... D. J. Callahan, President.  
Board of Trade, Portland..... George A. Crosman.

#### MARYLAND

Chamber of Commerce, Baltimore..... Douglas M. Wylie, Ex-President.

#### MASSACHUSETTS

Chamber of Commerce, Boston..... Edwin Farnham Greene.  
Massachusetts State Board of Trade, Boston..... John H. Corcoran, Vice-President.  
Board of Trade, Lynn..... Henry A. Sawyer, Secretary.  
Board of Trade, Springfield..... E. O. Sutton.  
Board of Trade, Worcester..... Charles T. Tatman, President.

#### MICHIGAN

Board of Commerce, Detroit..... Joseph L. Hudson, Ex-President



## MISSOURI

Commercial Club, St. Joseph..... W. K. James.

## NEW JERSEY

Board of Trade, Camden..... Alexander C. Wood.  
 Board of Trade, Elizabeth..... Elias D. Smith.  
 Board of Trade, Hoboken..... Edward H. Horwood, Ex-President.  
 Board of Trade, Newark..... George F. Reeve, Ex-President.

## NEW YORK

Chamber of Commerce, Albany..... William B. Jones, Secretary.  
 Board of Trade, Amsterdam..... Charles E. French, Secretary.  
 Business Men's Association, Auburn..... E. Clarence Aiken, President.  
 Chamber of Commerce, Binghamton..... L. M. Wilson, Ex-President.  
 Manufacturers' Association of New York, Brooklyn.. Andrew F. Wilson, Ex-President.  
 Chamber of Commerce, Buffalo..... R. R. Hefford.  
 Chamber of Commerce, Kingston..... A. T. Clearwater.  
 Board of Trade and Transportation, New York.... James Talcott.  
 Merchants' Association, New York..... J. Crawford McCreery.  
 North Side Board of Trade, New York..... Albert E. Davis, Ex-President.  
 Chamber of Commerce, Rochester..... Daniel B. Murphy.  
 Chamber of Commerce, Watertown..... Charles W. Valentine.

## OHIO

Chamber of Commerce, Cincinnati..... E. P. Marshall.

## PENNSYLVANIA

Chamber of Commerce, Erie..... Clark Olds.  
 Board of Trade, Harrisburgh..... J. Horace McFarland.  
 Board of Trade, Philadelphia..... William R. Tucker, Secretary.  
 Chamber of Commerce, Philadelphia..... Coleman Sellers, Jr., President.  
 Chamber of Commerce, Pittsburg..... S. B. McCormick.

## RHODE ISLAND

Board of Trade, Providence..... Frederick H. Jackson.

## TEXAS

Business Men's Club, Waco..... S. P. Brooks.

## WISCONSIN

Chamber of Commerce, Oshkosh..... John Hicks.

## CANADA

Board of Trade, Toronto..... Robert S. Gourlay, President.  
 Believing that the foregoing statement speaks for itself, we urge business men to consider it carefully, with a view to taking a personal and active interest at this important stage of the movement for international peace.

JAMES WOOD, Mt. Kisco, N. Y., *Chairman*  
 HARLOW N. HIGINBOTHAM, Chicago  
 WILLIAM MCCARROLL, New York  
 MARCUS M. MARKS, New York  
 GEORGE FOSTER PEABODY, New York  
 ELWYN G. PRESTON, Boston  
 CHARLES RICHARDSON, Philadelphia  
 CLINTON ROGERS WOODRUFF, Philadelphia

*Committee on Business Organizations*

MOHONK LAKE, N. Y., February 1, 1912

## BUSINESS MEN'S BULLETIN No. 13..

## EIGHT MILESTONES OF INTERNATIONAL PROGRESS

In 1794 nations began to occasionally arbitrate disputes. In 1894—a century later—arbitrations were more frequent but their methods had been little improved. In 1899 the growing public sentiment against war caused the nations to give their united attention to the subject. In the last 14 years, they have made arbitration a practical feature of international life and have accomplished more than in all the preceding period. Without mentioning the contributions of societies, conferences and individuals, here are some things that nations have accomplished officially and by international agreement:

## 1899. THE FIRST HAGUE CONFERENCE

met, with 26 nations represented. It provided for a permanent court of arbitration (see Hague Court), and for Commissions of Inquiry such as the one which—in the North Sea case—averted war between Great Britain and Russia. It also provided for Good Offices and Mediation by which the United States, through its President, was able to terminate the Russo-Japanese war.

## 1901. THE HAGUE COURT

was declared organized and ready for business. It has received, on an average, one case a year, having disposed of nine with two pending. The nations submitting cases have been Great Britain, Germany, France, Italy, Japan, the United States, Russia, Turkey, Norway, Sweden, Mexico, Peru and Venezuela.

## 1901. THE SECOND PAN-AMERICAN CONFERENCE

meeting in Mexico, with 19 nations represented, drew up a valuable plan of arbitration for the nations of the Western Hemisphere which has formed the basis of much progress. The first conference was held in Washington in 1889, the third in 1906 in Rio Janeiro and the fourth in Buenos Aires in 1910. The Pan-American Union, in Washington, is the agent of the conferences.

## 1903. TREATIES OF ARBITRATION

A popular movement beginning in 1903 has resulted in more than 140 treaties between nations in pairs, 36 nations being parties. Most of these treaties refer to the Hague questions not involving vital interests or national honor. Three, negotiated by Denmark, are unlimited.

## 1904. THE INTERPARLIAMENTARY UNION

made the suggestion to President Roosevelt that resulted in the calling of the Second Hague Conference. The Union is made up exclusively of members of the national legislative bodies of the civilized world, and numbers about 3,000. Its object is the promotion of arbitration, and it is officially recognized by different nations which make appropriations for its expenses and entertain its annual meetings.

## 1907. THE SECOND HAGUE CONFERENCE

met, with 44 nations represented. It revised and improved the work of the first conference; made arbitration of contractual debts practically obligatory; gave either party to a dispute the right to ask arbitration; and arranged for the establishment of an International Court of Arbitral Justice which awaits only an agreement by the nations on a plan of selecting the judges.

## 1907-8. THE FIRST CENTRAL AMERICAN PEACE CONFERENCE

representing the five Central American nations, set the world an example by establishing for themselves the Central American Court of Justice to have jurisdiction over all cases of dispute between them that can not be settled by diplomatic means. The Court is in successful operation. Succeeding conferences have been held in 1910, 1911 and 1912.

## 1911. GENERAL ARBITRATION TREATIES

with Great Britain and France were negotiated by the United States. These treaties, as negotiated marked the highest known type of such instruments as affecting the larger nations. Though ratified by the Senate in amended and weakened form, they are still valuable and, whether put into effect or not, will have performed a distinct service by bringing treaties of wide scope into the realm of practical discussion.

The foregoing international achievements have been due to the pressure of public opinion, in the creation of which business men have had a large share. These facts are presented in the hope that they will take an increasing part in the formation of a public sentiment that will eventually carry the work to practical completion.

JAMES WOOD, Mt. Kisco, N. Y., *Chairman*  
 HARLOW N. HIGINBOTHAM, Chicago  
 WILLIAM MCCARROLL, New York  
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*Committee on Business Organizations*

MOHONK LAKE, N. Y., April 1, 1912



THE CHAIRMAN: Under this head, the Relations of International Arbitration to Business, we shall have the pleasure of hearing a paper by Mr. SAMUEL B. CAPEN, of the Boston Chamber of Commerce.

## THE INTERNATIONAL CONGRESS OF CHAMBERS OF COMMERCE AND WORLD PEACE

ADDRESS OF MR. SAMUEL B. CAPEN

It is very easy for us to talk in the superlative, but any thoughtful person can recognize that we have come to an era of great conventions in which world-wide questions are being discussed. Not long ago I was present at a Conference of over 4,000 men which lasted for nearly a week; men traveled half way across the continent, at their own expense. I submit that there is a new day in the world when busy men in such large numbers are willing to spend time and money in this way.

I believe that the "Fifth International Congress of Chambers of Commerce and Industrial and Commercial Associations" is to be another great convention, perhaps the most important international business conference that has ever been held in the world. We can say this I believe because of the organizations it represents, the personnel, and the importance of the questions to be discussed.

### *The Former Congresses*

It may be wise to say a word about the past, for it will be noted that this is the *fifth* of such international gatherings. The first was held in Liege, Belgium, in 1905; that Congress chose a Permanent Committee and voted that a similar congress should be held every two years. The second was held in Milan, Italy, in 1906; the third at Prague, Austria, in 1908, and the fourth in London in 1910.

These Congresses have all had the heartiest endorsement of the officials of the European nations; Chambers of Commerce abroad have a very high standing with the governments of their respective countries; they have been a larger force in making public opinion and in effecting government action than has been true in the past in our own country.

At the first Congress high officials of the Belgium government were the patrons; at the second it was the King of Italy; at the third, in Austria, it was the Arch-Duke Charles Francis Joseph; at the fourth the Prime Minister Asquith was the Honorary Vice-President.

### *The Boston Congress in September*

Coming now to the approaching Congress which is to be held in Boston in September, it should be noted that in preparation for this great occasion the Boston Chamber of Commerce last summer organized a company of about one hundred American business men, who visited the various nations of Europe and extended to the governments of these nations and to their commercial bodies formal invitations to send delegates to Boston. They were everywhere received with great cordiality. The city of Boston and State of Massachusetts officially join in this invitation. It is gratifying to report that large numbers are promised from all the nations of Europe—France expects to send fifty of her leading men—and the total number of the Congress will probably be about 600.

With regard to its organization, President Taft is to be the Honorary President and the Honorary Vice-Presidents include the Secretary of State, the Secretary of Commerce and Labor, the Chairman of the Senate and of the House Committees on Foreign Relations, the Governors of nearly all the States, the presidents of the leading commercial bodies and other leaders in the business world, and ambassadors and envoys from other nations. Five hundred of the principal organizations of the United States have been corresponded with, together with the various commercial bodies abroad. I have seen the list in part of those who have already signified their intention to be present, and it contains the names of many of our leading bankers, merchants, manufacturers, railroad presidents, etc. Men who largely control the finance and the business of the world are to be members of this Congress.

### *The Program*

Coming now to the program, the Permanent Committee met last July in Paris and agreed upon a tentative plan. They will meet again next month and make their final decision, but I think it can be said very certainly that the following seven questions will be included:

*First.* The establishment of a Permanent International Court of Arbitral Justice composed of judges representing the different judicial systems of the world and capable of insuring continuity of jurisprudence and arbitration.

*Second.* The unification of legislation relating to checks.

*Third.* International postal reforms.

*Fourth.* Commercial Statistics. Immediate institution of an international office.

*Fifth.* International Maritime Union. Compilation of a program.

*Sixth.* Regulation of Expositions.

*Seventh.* An international agreement between banks of issue.



It is significant, and of especial interest to this Mohonk Conference to note, that the *first place* has been given to the question which has to do with the establishment of a "Permanent International Court of Arbitral Justice." It is a matter of historic interest that at the meeting in London in 1910 the idea of Secretary Knox to invest with arbitral jurisdiction the International Prize Court, itself a permanent tribunal when established, was a prominent subject. This matter was not on the official program, but an American delegate brought it to the attention of the Congress and it was voted in London that it should have a place on the program of the Boston Congress.

The *second question* on the "unification of legislation, etc.," has been discussed in previous Congresses and legislation is on the way of being enacted in several countries. The question of some international agreement between banks of issue is likely to take the form of some practical resolution looking towards inducing the governments to take definite action on this matter. It is intimated that the Dutch government will take the initiative, so that there shall be a second series of Hague conferences devoted to international financial problems.

There is another matter very important to our business interests which will be discussed in the Congress. The British government is undertaking to secure international rules by which it will be possible for the man who sues and gets a decision against a foreigner to have that decision executed abroad without the delay and expense of another trial, or a further examination of the case in the foreign courts; such a solution of this important question would greatly help international commerce and save business men large sums of money.

The *third question* has to do with "international postal reforms." This matter has also had large place in the preceding Congresses and it is expected that some recommendation will be made at the Boston Congress to be presented to the next Universal Postal Conference, which is to be held at Madrid in 1913. This is the first meeting of the General Postal Union since 1906, and the Congress of Chambers of Commerce is ready to recommend agreements with regard to the unification of weight limits on merchandise, the abolition of double tax for insufficient postage, a reduction of postage on commercial samples and some extension of the service respecting small packages.

I will not attempt to go further into detail with regard to these various questions, except to call attention to another important matter which, while it is not on the tentative program as arranged a year ago, is most likely to have a place at the Boston Congress. This question has to do with the *cost of living*. This important question has been suggested from several sources. One disposition of this question might be along the lines suggested by Presi-



dent Taft, that an international commission should study the question. There is another method of approaching that question as suggested by a prominent Austrian, that the increased price of the necessities of life be studied in connection with the revision of commercial tariffs.

As we look back over the past, although these Congresses have been held for a comparatively short time, yet they have come to have large influence in present day governments. It is of interest to know that four nations are considering international action as desired by the previous Congresses. There are already on the statute books of many nations rules of law relating to business matters which have grown out of discussions and recommendations in the former Congresses. As illustrative of what I mean, a number of nations have already acted on the suggestion made at the London Congress that there should be a general agreement as to the use of false labels on exported goods.

I presume there will be general agreement that our business men have for too long a time neglected the *South American Republics*. At the Boston Congress this matter is to have special attention. It is the plan now to bring this whole western hemisphere together through the business men and for the first time circulars have been prepared in the Spanish language for use in Central and South America. It is expected that there will be delegations from these nations; we want closer commercial relations with these neighbors at the South as well as the closest bond possible along public and governmental lines. The visit of Senator Root to them a few years ago when he was Secretary of State, and the recent visit of Secretary Knox, have done much to make closer relations possible.

This Mohonk Arbitration Conference has been a large factor in helping to bring our great commercial bodies into sympathy with its work. For the first few years after this Conference was organized, it was composed almost wholly of professional men. Mr. Smiley, with his wonderful vision, clearly saw that unless he could interest the business interests of the world in this matter his efforts would not be fully successful. He sent out letters having this in mind, and he did me the honor to ask my help with others in this direction. It was my privilege to suggest to him the names of several men in the Boston Chamber of Commerce whom he invited, with gentlemen from other bodies, to meet here the succeeding year. Their number has been greatly increased, and they have had proper recognition in all discussions in this Conference. It must be a profound satisfaction to Mr. Smiley to know that there are to-day nearly 200 business organizations who have endorsed the work for which this Mohonk Arbitration Conference stands. Since our last meeting here, the business men in these cities, representing a population



of over 20,000,000, have passed resolutions expressing their sympathy with President Taft's arbitration treaties. The business men of the world are recognizing as never before that the whole idea of war is a violation not only of justice and right but is contrary to every business and economic principle. The business and financial men of all nations are getting closer together, and barriers are breaking down; the present armed peace of the world therefore with its fearful expenditures is a monstrous condition which ought no longer to exist. We believe that the power of the business men is to be felt more and more in the days to come in favor of peace and arbitration. During the past few months it is believed that at least one war was prevented because the moneyed interests of the world would not finance it.

A few days ago, as a member of the Conservation Congress in New York, I listened to a remarkable address by James A. Macdonald, of Toronto, who took the place of William T. Stead who was lost on the Titanic. Mr. Stead was coming to this country especially to speak on this topic of universal peace which he had so much at heart. It was an hour never to be forgotten, full of the deepest pathos, as Mr. Macdonald with all his own mighty powers made the address in his friend's name. Mr. Macdonald very recently had a long conference with Mr. Stead in London and knew his inner thought probably better than any other man. The question that they discussed late into the night was, how to break the power of the combinations which thrive and fatten in keeping up the war spirit; and when Mr. Macdonald declared that there must be forever peace between England and America, the response of the audience was instant and enthusiastic. For nearly a hundred years the United States and Canada with a line between them 4,000 miles long, and without a gunboat or a fort, have lived in perfect peace. This has been possible not only because both are Christian nations, but because the business men of both nations have carried on such large trade with each other. We are here to make plans by which this peace sentiment shall become universal, that it shall be the uppermost thought not only between these great English speaking nations but shall be a part of the life and thought of every land. We believe not only that France, but Germany and Japan as well, would gladly join with England and the United States in treaties of arbitration which would make war forever impossible. Our ceaseless trade with the whole world will then be like the web in the weaver's shuttle weaving the nations together. We have great leaders in the Senate like Burton and Crane and Root who are earnest in their activities to bring to a successful issue the great plans represented by President Taft in his advanced views which met with such a quick response in Great Britain. The day of final triumph cannot be far away. Dear Dr. Hale, who did so much to make this

Conference a success in its early years, used to tell us that the great word of the 20th century was "Together." President Butler told us in his opening address that we need an "international mind." Yes, there is something larger in the thought of the world to-day than "nationalism" and that is "internationalism." John Mitchell at the Conservation Congress a few days ago said, "We are our brother's *keeper*." We would go further and say, we are our "*brother's brother*." (Applause.)

THE CHAIRMAN: One of the very unique and inspiring features of these conferences has been the presence for many years and the active participation and sympathy of representatives of one or another branch of the military service of the United States. I have great pleasure in calling upon an officer who has earned by long years of distinguished service in the United States Navy a claim to be regarded as a representative of our American life and American aspiration. I present the gentlemen who, unless my memory fails me, was the captain commanding the flagship of Admiral Sampson during the memorable days of 1898—Rear-Admiral FRENCH E. CHADWICK.

## WORLD POLITICS AND WORLD PEACE

### ADDRESS OF REAR-ADMIRAL F. E. CHADWICK

Mr. Sidney Low in an article "The Most Christian Powers," in the British *Fortnightly Review* for March, says: "Lord William Cecil and various other earnest persons have been suggesting that the present would be a favorable season to impress upon the inhabitants of China, and indeed of Asia in general, the advantages of subscribing to the tenets of the Christian religion \* \* \* they to be converted by being convinced of the superior morality of the religion which is professed and, to some small extent, practiced by the peoples of Western Europe. He is to become a Christian by learning \* \* \* that the Christian nations are imbued by a more austere morality, a deeper sense of law, a larger idea of justice and mercy, and a greater reluctance to employ force in order to overpower the weak, and oppress the helpless." After expanding this thought a bit, he proceeds to say how far otherwise has been the reality. He says: "The conduct of the most Christian powers during the past few years has borne a striking resemblance to that of robber bands descending upon an unarmed and helpless population of peasants. So far from respecting the rights of other nations, they have exhibited the most complete and cynical disregard for them. They have, in fact, asserted the claim of the strong to prey upon the weak, and the utter impotence of all ethical consideration in the face of armed force, with a crude nakedness which eastern military conquerors could not well have surpassed."



The vista of world conditions to-day is certainly much like an outlook over an angry sea under a gathering tempest. Torn from the control of the ancient empire to which it has so long been attached, Chinese suzerainty is practically ignored by the two great military powers which were so lately fighting their battles in Manchurian territory, but which have now amicably come together to determine between them Manchuria's new status. In India a large portion of her 300,000,000 are clamoring for Indian rule as against what has been the really beneficent administration of the British. North Africa partitioned off and in European hands and the whole of Africa, most of which was but a few years since a *terra incognita*, now divided between Great Britain, France, Germany, Belgium, Italy and Portugal, a division made by right of might, much as we possessed ourselves of the lands of the North American Indian. Only last summer Great Britain was on the very brink of action which would have thrown practically the whole of Europe into the vortex of war, from the Atlantic Ocean to the Black Sea. And for what? The story is a startling and impressive one and shows how weak still is the leash which holds the dogs of war. How did such a situation arise?

To find the reason we must go back eight years, when in 1904 there was made public an agreement which had been secretly reached between England and France, by which in return for the withdrawal by France from her right to exercise partial control over Egyptian finances and from her long troublesome fish-drying rights on the Newfoundland shore, and some minor yieldings, England, so far as she was concerned, gave France practically a free foot in Morocco. Three countries, England, France and Spain made a trade in which an independent country, larger than France, with perhaps 10,000,000 of population was the subject of the barter. It was the Pandora's box which contained the woes of which the present European situation is the result. So clear did this appear to me at the time that I wrote early in 1905 to a prominent English friend that this must be the effect.

Germany, which had been wholly ignored, was naturally incensed. The Emperor visited Tangier and said things which resulted in the Algecirras conference. This conference agreed that France and Spain should furnish a moderate number of drill-masters and instructors for a force of 2,000 to 2,500 Mohammedan policemen to be used in the ports, established a state bank, and arranged that all nationalities should be on a perfectly equal footing regarding proposals for public works. Most important of all, the independence of the Sultan and of Morocco was made a basic principle.

The next act was the bombardment by a French man-of-war of Casa Blanca on the west coast of Morocco because of a difficulty

which it is understood was caused by the acts of some foreigners in a cemetery, which the Moors resented. This was followed in 1911 by a French expedition of 16,000 men to Fez on the pretext that the lives of foreigners in Fez were in danger. The expedition after a futile resistance by the Moors, arrived to find the foreigners unharmed, and that there had been no danger. But France was now in military occupation. A full protectorate by France has now been established.

Says Mr. Morel in the *Nineteenth Century* for February last: "It was surely infantile to imagine that Germany was any more likely in 1911 than she was in 1904-05 to agree to France securing Morocco without positive guarantees as to the open door and without paying her bill of compensation even as France had found it necessary to pay the British, Spanish and Italian bills. To Britain, relief in Egypt; to Spain, almost the entire northern and part of the Atlantic coasts of Morocco, with a goodly slice of hinterland thrown in; to Italy, a free hand in Tripoli; to Germany—nothing. The pact of Algeciras to which Germany and ourselves [i. e., Great Britain] were signatories and in which Germany had a peculiar interest was torn up and thrown to the winds."

As a protest that she was not to be altogether disregarded, Germany sent the *Panther* to Agadir. A report that Germany had demanded compensation in the Congo caused an inflammation of British sentiment which had voice in the London press. The day after a particularly inflaming article in the *Times*, the Chancellor of the Exchequer made a speech at the Mansion House which was a clear threat of war against Germany. The destruction of the Algeciras agreement by France was ignored and England was ready apparently to plunge Europe into a great war to uphold the action of the power which had overturned the agreement to which England herself was a signatory, as was also Germany.

Meanwhile by England's understanding with Russia, Persia, which gave fair promise of establishing a wholesome government, has been divided into "spheres of influence" by these two powers, and so far as the ordinary man can see, has no longer any independence. And Italy driven by the appropriation of Egypt and of Algiers, Tunis and Morocco, seized the only remaining chance for expansion and occupied Tripoli at the cost of an expensive and still continuing war. The Balkans and the whole of southeastern Europe are, we know, but a slumbering volcano.

I submit that this is a melancholy outlook for the principles we are here to forward. In all that I have mentioned I can, equally with Mr. Low, see no sign of ethical consideration. The whole has been a wave of self-interest apparently as irresistible as a Saharan sand wave. Deep feeling has been aroused in



Germany, and we see the two foremost nations of Europe, the two most highly civilized nations of the world, spending vast sums; the one striving to overtake, the other striving to preserve, supremacy in maritime power. Can anyone say that the game of Morocco was worth the candle? Can anyone say that the unrighteous swallowing up of a backward nationality on the pretext of extension of trade and influence is worth a great European war? is worth an abiding hate between two great kindred nations which should be competing in civilization instead of in hate? Is England to be destroyed by Germany, or Germany to be destroyed by England, or France to disappear as France because the special trader wants an extension of his field. This is the bald analysis of what has happened, and a true statement of the history of the last few years. It would seem that the words *delenda est Cartago* must be in the heart of many, both German and English. But why this feeling?

The Englishman cannot hate the German *per se*, or the German the Englishman to the extent of desiring, the one to annihilate the other. There must be, apart from personality, some deep and powerful reason for the ill-feeling which has so lately been shown, which does not appear to the casual observer. The real reason is in that ever most potent cause of international dissension—trade jealousy, though trade itself is the creator of civilization and in itself the most beneficent of human institutions.

There are now in Germany some 66,000,000 on a territory about equal to North Carolina, South Carolina, Georgia and Florida taken together. In Great Britain and Ireland are 45,000,000 on an area just about that of New Mexico, but they have illimitable possibilities of expansion within the British Empire. Nearly a million more Germans will be in the world in 1913 than in 1912, for that is the country's natural increase. Fifteen years hence there will be a full 80,000,000 of Germans on land which will now grow food for but 60,000,000. The question in the mind of every thoughtful German is: Whence shall come the trade which shall support these extra millions? Where shall they go? Where shall they sell? What shall become of their ever increasing manufactures? The crux of the situation lies in this last inquiry, which is one common to all great manufacturing nations. And these, to secure and further their trade have devised the vicious principle of "spheres of influence," an expression which in itself epitomizes the whole of the present great difficulties, and which has materialized by the forcible appropriation of vast territories of backward people who cannot defend themselves. The opposition of Great Britain to the desire of Germany to have a share in these fundamentally vicious partitions which have been going on has brought about a situation which threatens to force war.



Does the Triple *Entente* of which Great Britain forms a part along with Russia and France, in order to support their several claims to their "Spheres of Influence," propose to fence in or reduce Germany to nullity? If so and if as the result of the gigantic war which will, in all human probability, surely follow, Germany should succumb, Russia will be the great beneficiary, and Europe will be dominated by the Slav. Can we wonder that Germany adds two army corps and increases her fleet? The interest of other powers, if a reduction in armaments be desired, is to give all equal opportunities for trade and investment with those who have extended their holdings so enormously? Without such a principle there can be no real peace. This it seems to me is the plain matter of fact with which we have to reckon. In the face of the events of last summer general arbitration must be but the pursuit of the will o' the wisp until we shall have removed, as far as may be, the causes of the violent antagonisms which but a few months ago came so near producing a world convulsion.

Our chief propaganda must thus be with the foreign offices of the powers. It is they which need missionizing as much or more than the heathen. They are all, through designs upon others, through their efforts to advance their own supposed interests, the great enemies of peace. There have at no time been more striking instances of this than there have been in the last eight years. I would repeat—and it cannot be over emphasized—that the cause of intensity of jealousy, of this deep antagonism which so threatens the peace of the world, is the question of trade, a question which above all others dominates world movements. I am not here on a propaganda of free trade in the usual acceptation of the word propaganda, although I am a free trader in the broadest sense, but I mention it as a question merely incidental, but vitally incidental, to that of peace. I believe that were men free to go and come and trade as they would, it would create a vastly different condition. Cobden saw with clear vision when he foretold that freedom of trade would finally be the great factor which would make for peace. The world situation which has been produced by the very contravention, just mentioned, of his dictum, is direct evidence of its truth. I thus cannot refrain from saying that you will never have peace throughout the world until you have everywhere the open door, with no more restriction upon trade than there is now upon the swapping of pen knives. The Custom House is your great opponent. If the principle of "Spheres of Influence" is to hold, we find the one nation which most needs such an outlet, prevented by circumstances which can only be overcome, as things now are, by war. Russia has a practically unlimited area, Great Britain has made almost a third of the world British, France at a standstill in population, has a colonial area nearly a third larger than the



United States. Germany is the only great state which has been denied such expansion, fundamentally wrong in principle as it is, and this denial has brought the present great threat to the world's peace. This rule of equal opportunity, I need hardly say, I would apply to all.

Germany, which I have only used to point the moral, is to-day perhaps the foremost of the races productive of civilization; foremost in chemistry, hygiene, in municipal organization and municipal government, and in most of the other things which make for the material uplift, at least, of man. It is a great race close akin to the Anglo-Saxon. Can anyone say that its spread will be to the detriment of the human race? If there were millions of Germans in Africa and South America, would Africa and South America be the worse? Their presence there would not mean the extension of the hegemony of the German Empire any more than does the presence of millions of Germans in the United States.

The gist of these remarks is that we need a little more Christianity in the chancelleries of the world, that we need more of the brotherhood of man, and it is only by cultivating and encouraging this brotherhood that you are going to abolish war. Paper conventions will not do it. We have just seen how easily they are set aside. You have got to remove the causes, just as we have stopped yellow fever by the destruction of the cause. The deadly microbe producing war is "Special Commercial Advantage." It is this for which the statesman works: it is for this that "Ententes" and "Dreibunds" exist.

There will be many things of a surprising sort in the coming centuries. We must take for granted that man has yet some time to live. There will yet be many shufflings of his scheme of life. Who twelve years ago would have said that Japan would to-day be one of the great forces of the world and China a republic, and that we, moved by that great impulse, trade, should be an Asiatic power? Let us turn somewhat at least from missionizing the outlying world and missionize the Christian powers a bit. For without a broader concept of human liberty and of trade rights than we now have, we shall see no sign of reduction of armaments or cessation of wars.

By just so much as, in physical disease, prevention is better than cure, so would be the removal of the causes of quarrel rather than curing the quarrel after it has developed. Coming thus to a concrete suggestion, and leaving aside general free trade as entirely too large a question for the moment, would it not be within the scope of such a conference as this to urge the throwing open by international agreement to equality of trade and exploitation the vast territories belonging to barbarous or backward peoples which have been occupied in late years as special

spheres of interest, by those who have no more right to them than you or I? That such a step, if accepted, and it would seem a reasonable step, would go very far to accomplish general peace, is, to my mind, beyond the shadow of a doubt. Let special interest in such seizures be transformed into the general interest of mankind. Why should not in this respect the convention of Algeciras be adopted? Is it too much to suppose that international diplomacy is equal to an extension to all such territories of that which was proclaimed for one of the most important of such? The fact that France, backed by England, so quickly tore the Algeciras compact to pieces is no argument against the principle or sign of its weakness. If we are in real solid earnest as to peace, this is the direction in which we will have to work. (Applause.)

THE CHAIRMAN: We now pass to the topic, The Relation of the Press to International Arbitration, and we shall have the pleasure of being addressed by Mr. WILLIAM C. DEMING, Editor of the *Wyoming Tribune*, at Cheyenne.

## THE OPPORTUNITY AND DUTY OF THE PRESS IN RELATION TO WORLD PEACE

ADDRESS OF MR. WILLIAM C. DEMING

'Twere less toil  
To build Colossus, than to hew a hill  
Into a statue.—Festus.

Paraphrasing this strong figure, it will prove a much easier task for the press of the world to create a sentiment of peace than for governments, hampered by centuries of indulgence in legalized barbarism, to destroy the desire for war.

The subject assigned to me has more depth and breadth, greater possibilities for interpretation, than can be readily surmised.

I have neither wit nor words, nor power of speech, nor experience, nor observation, to do justice to the subject. I can merely tell you that which you yourselves do know.

Nearly twenty years' experience in the newspaper profession has convinced me that the public is always responsive to any reasonable appeal.

Countless methods of arousing public opinion and wielding it in a concrete form against an evil or oppression suggest themselves to the publishers of to-day.

\* When the managing editor of a metropolitan newspaper finds that the babies of a city are stricken and dying because of adulterated milk; when the poor of the tenement districts are languishing in midsummer because they can not buy ice; when the people generally are being robbed by a gas monopoly or other public



utility, there is no confusion, hesitation, or delay. A few good reporters are summoned, the camera brigade is called into action, the best cartoonists are assigned, the crack headlines are selected, and in screaming type the story is told, emphasized, and amplified from day to day, until the people, aroused by self-interest, passion, or sympathy, correct the evil or furnish quick relief.

The magazines have long since learned the power of appeal when a cause is just. For years writers like Charles Edward Russell, Lincoln Steffens, Judson C. Welliver, Ida M. Tarbell, Rita Childe Dorr, and Jane Addams have supplied articles with a punch which have taken precedence over the mere literary contributions which predominated ten years ago.

We have only to hark back to the spring of 1898 to recall the masterful influence of the press in arousing a peaceful nation to war against Spain. Without the sanction, or, more correctly speaking, without the active partisan efforts of the newspapers of that period, the war against Spain would never have been declared. There was probably no issue at stake, no demand America might have made upon Spain, even unto indemnity for the loss of the *Maine*, that could not have been settled by arbitration. Granted that the destruction of the *Maine* and the consequent loss of human life were directly traceable to the machinations of the Spanish government, in the light of common sense and human reason, what kind of vengeance or satisfaction was there in entering upon a war, which in all of its ramifications has cost more than \$1,000,000,000 and the loss of 20,000 lives. And yet we call ourselves a highly civilized, sagacious, and Christian people.

An agency, a world-wide instrumentality as the press is, which is able to provoke an unnecessary war certainly is potent enough to prevent one.

Acting in unison, with high and patriotic purpose, the newspapers and magazines, by systematic and persistent effort, can place the United States in the vanguard of nations ready, anxious, and willing to discard the barbarisms of war. They can create a sentiment within twelve months which will force Congress to invite every civilized nation on the globe to become an irrevocable party to an international court that will settle every difference which can possibly arise between nations, including all questions of honor, and thereby reduce the armaments of the world to a mere police footing.

There are in the United States to-day more than 20,000 newspapers and periodicals, not including the monthly magazines. Allowing for each periodical an average of 1,000 subscribers, 20,000,000 of people are thereby reached and influenced in their opinions. Granting that each copy influences, directly or indirectly, an average of three people, we thus have 60,000,000

citizens, or two-thirds of our entire population, gathering their news and shaping their views upon public questions from this single source.

It must be plain, then, what is meant by the opportunity and duty of the press in relation to world peace.

The press of the nation has not only a great positive duty in the premises, but its failure or neglect to seize the opportunity is nothing less than criminal.

As I ponder over this question and weigh the horrors and wages of war, as I recall the distress and devastation of every armed conflict, and recount the untold millions of men in the past who have been called from the farm, the factory and the store, from the office and the mill, from the public places in the city, and the byways of the country, to offer their lives in satisfying some unholy ambition, a war of pure conquest or a struggle arising out of commercial rivalry, I confess that I do not understand why the masses who have so little to gain, and so much to lose, have not long since risen and destroyed the world's greatest evil.

A well-known writer has said—

Give me the money that has been spent in war and I will purchase every foot of land upon the globe. I will clothe every man, woman, and child in an attire of which kings and queens will be proud; I will build a schoolhouse on every hillside, and in every valley over the whole earth; I will build an academy in every town and endow it; a college in every State, and fill it with able professors; I will crown every hill with a place of worship, consecrated to the gospel of peace; I will support in every pulpit an able teacher of righteousness, so that on every Sabbath the chimes on every hill will answer the chimes on another around the world.

Yet, we of America, God's greatest gift to Christianity and civilization, bound and chained to crass principles, precedents, and limitations, slaves to the same prejudices and passions which influenced Alexander, Caesar, and Napoleon; children of the same tendencies that devastated England through a century of internecine war; moral and mental pigmies of the same caliber which demoralized church and state of continental Europe in medieval times, go right on creating standing armies and building monster battleships in order that the steel plants, gunmakers and American bankers may find an outlet in every land.

An Austrian socialist said in England:

Insert a peace-promoting industry as profitable as the industry of preparation for war and your peace propagation will conquer the world.

In this day and age there is not a merchant ship that crosses the sea, not an idle dollar in the strong box of the nation, nor an ambitious adventurer seeking new worlds to conquer, that could not accomplish all and more under a system of universal peace, created, sanctioned, and maintained by the powers of the earth.

Opportunity! No other question ever raised, no other field



ever explored, no system of ethics ever conceived offers such an invitation for tremendous effort on the part of the press in fighting for home and country.

It is the veriest of human fallacy and the acme of political frailty to longer contend that war between civilized nations is essential to national perpetuity.

I take it that it is the province and promise of this magnificent organization to press home to the unthinking and the thinking alike this greatest of world problems.

Just as there is a higher law than the Constitution, so there is a greater force than armies, navies, and machine guns. It is the force of individual physical discipline commingled with the force of mind.

This was demonstrated in a recent war.

Russia as a nation is centuries older than Japan; she was building mosques and temples for the Greek Church when Japan was worshiping the sun and closing her ports to the civilized world. Russia has a greater population by 90,000,000 than Japan, yet there are in Japan 200,000 more children attending school than in the whole empire of Russia. The victory of the little brown man was the triumph of the spelling book over illiteracy, the efficacy of mathematical precision over blind force.

If the spelling book behind the gun could defeat the arms of all the Russias, the press of the American nation behind the problem of peace can solve it to the everlasting glory of mankind.

The march of destiny is not accomplished or altered by pessimism or fear. It moves majestically forward through all the ages, lifting heathen lands into the sunlight of civilization, substituting Christian religion for pagan worship; setting up missions and schools in the jungle, and gathering in the heathen children from their playground with the ape; pushing the steel rails of commerce across Siberia; stringing telegraph wires over the snow-capped peaks of Alaska; connecting the Mediterranean and the Red Sea by a great waterway; severing the American continent in twain at Panama, until we may well exclaim: "What hath God wrought." These are victories of peace.

The total annual military expenditures of the world approximate \$2,250,000,000. This is enough money to send 4,500,000 boys to college one year. This annual budget for carrying on war is sufficient to pay all the expenses of all the boys and girls who have graduated in all the colleges of the world since time began. It would support all the working people in New York, Philadelphia, and Cleveland for one year.

Eliminate war and convert the tribute it lays in men and money to the arts and crafts of peace and all that has been accomplished in the last century will be doubled in the twenty years to come.

It is estimated that the entire revenue of Germany for 1912

will be \$461,800,000. Of this vast sum \$418,000,000, or nine-tenths, will be expended in militaryism, navyism, and colonial politics, and the army and navy is to be still further increased. There is a German proverb that a great war leaves a country with three armies—an army of cripples, an army of mourners, and an army of thieves. By a resort to arms Christian men and women become particeps criminis to this “feast of vultures and waste of life.”

But the world is moving forward. There are oases in the desert, lights along the rockbound coast, gold and silver in the rugged mountain side, and twinkling stars behind the negative nebula of illimitable space.

In urging the Anglo-American and French treaties, President Taft said:

Personally I do not see any reason why matters of national honor should not be referred to courts of arbitration, as matters of private or national property are.

If we can bring other nations to abide by the adjudication of international arbitration courts in every issue which can not be settled by negotiations, we shall have made a long step forward in demonstrating that it is possible for two nations at least to establish between them the same system which through the process of law has existed between individuals under government.

Thus in a few simple words, which have been indorsed by Sir Edward Grey in the British House of Commons, the Chief Executive of the world's leading nation, a country which has never lost a war, has swept aside every obstacle, real or imaginary, national or international, to the creation of a tribunal which shall have absolute and final jurisdiction over all differences between civilized countries.

Learned lawyers of the United States Senate may quibble over Senate prerogative as to the treaty-making power; jingo statesmen and capitalistic newspapers may create bogie questions of honor over which to throw nations into the horrors of war, but the simple fact remains that the powers of earth can proclaim and establish a permanent peace, and it is the duty of the press of the world to see that they do it.

It is needless to tell this learned assembly of the enormous demand militarism makes upon the resources of the country.

For more than thirty years the United States has expended for the creation and maintenance of armies and navies, for pensions and interest upon war debts, 72 per cent of its revenues, while only 28 per cent has been used for the administration and maintenance of civil affairs.

These figures are the severest indictment of our national intelligence, and yet it is within the power of the press to say to Congress, Thus far and no farther shalt thou go.

But when I proposed, a few months ago, to President Taft that



he call a congress of American editors to consider the question of world peace the proposition received but scant recognition from the newspapers of the country. On the same day the news story that the wife of an humble Cheyenne citizen had given birth to triplets was sent through the Associated Press and featured in scare heads by practically every newspaper in the country.

As much as I dislike to admit it, the press of America, with all of its solemn responsibility in molding and directing public opinion, is trivial in its conception of news and ignorant or careless of its real duty. Metropolitan newspapers will devote columns of valuable space to a Dreyfus or Brandt, to a missing New York heiress, or a profligate minister like Richeson, when they might be saving thousands from death in unnecessary wars.

The ability to settle personal and private differences over rights or property without a resort to physical force is one of the achievements of medieval and modern civilization, and it has been reached largely through the evolution of Roman and common law. The contending parties having exhausted all other means resort to courts of law, whose final judgments are accepted. Were it otherwise we should live in constant turmoil and society would soon resolve itself into chaos.

Governments and civilization proceed upon the theory that the failures of justice are the exception, not the rule, and that in the grand total of judicial awards the things which are Cæsar's will be rendered unto Cæsar and that every man will get what is due him either in punishment or reward.

Nations have not made so much progress in adjusting their contentions, though the court of arbitration has been conceived, partially established, and in a limited way applied.

In time, however, a great international tribunal will pass upon the differences of governments just as courts of law sit in judgment upon rights of individuals and render decisions which become the law of the land. Its awards will be final, and its decisions duly codified will become the accepted law of nations.

Mr. Ralph Pulitzer, your able progenitor, has left you a splendid heritage in the New York World. I read it with the keenest interest. Editorially it stands on a par with any periodical that is published. Is it asking too much to suggest that you give at least a portion of the space you devote to Reno divorces to the vital cause of divorcing nations from war?

Mr. Hearst, with your chain of papers extending from sea to sea, will you not open the floodgates of rhetoric and turn a stream of carmine ink against the red carnage of international slaughter?

Mr. Reid, you on whose shoulders has fallen the mantle of the great Horace Greeley; you who have affiliated with kings and princes, and learned well the art of diplomacy, will you not bring

the great New York Tribune in line in an active campaign for world peace?

Mr. Ochs, Mr. McCormick, Mr. McLean, Mr. Lawson, Mr. Kohlsaatt, and every other man who is directing or misdirecting a battering ram of public opinion, will you not move your machine up against the wall of armed conflict, until, like the battlements of Troy, it shall fall to rise no more?

Let the newspapers of this nation consider this question in earnest, and in time the press will be re-enforced by every minister of the gospel, by every teacher of the young, and by every mother in the land.

Then, instead of battle flags and war drums, silent tombs and enduring pension rolls, you will build an altar where love and fraternity will kindle a peace as undying as "Persia's fabled fires."

The press should await no psychological moment. No miracle will transpire. The sun will never again stand on Gibeon, nor the moon in the valley of Ajalon.

We should go forth by the light we have and the homely weapons at hand—those twin agencies, love and fraternity, which God gave to the world in the infancy of the universe.

No great deed is ever performed by waiting. Everything is accomplished by action. Inertia is more than negative; it is neutral. Evolution is progress, and progress never stands still.

When Christ struck the sword from the hand of Peter he meant, "Thou shalt shed no blood, but go forth and teach the gospel of love among all nations."

The duty and opportunity are ours. We may waver, we may falter, we may fail, or by united and potent effort we can "Let the bugle sound the truce of God to the whole world forever." (Applause.)

THE CHAIRMAN: Passing now to the topic, "Relations of International Arbitration to Education," we shall have the very great pleasure of hearing from the President of the Georgia Peace Society, Dr. H. C. WHITE, of the University of Georgia.

## THE RELATION OF INTERNATIONAL ARBITRATION TO EDUCATION

ADDRESS OF HENRY C. WHITE, LL.D.

We have now reached what for most of us, so far as our individual participation and responsibility are concerned, is the most important topic on our program, the relation of international arbitration to education. It is true, as Emerson has said, that the history of human progress is initially the history of minorities and usually of minorities of one. The ideals towards



which humanity directs its progress are first shaped in the imaginings of the poet, the vision of the seer, the prescience of the prophet. But realization of the ideal is only possible through an understanding and acceptance by humanity at large. Ideals are indeed but pleasing dreams while merely the possession of the one or few; they are active, substantial forces when they become the possession of the mass. The transformation of the ideal into the real is effected through an universal or wide acceptance of its truth and value. An enlightened and determined public opinion stands back of every substantial step in human progress. And public opinion is the fruit of education. Therefore the importance of education in relation to our immediate ideal, the establishment of international arbitration as a step in the progress towards universal peace.

During the progress of this Conference we have had the privilege and great pleasure to listen to a number of distinguished speakers, among the leaders of the thought of the world, who have presented to us the ideal of arbitration as a means to peace, have discussed its evolution and historic development, and, as experts, have indicated the forms most promising in efficiency to the end. It now behooves the great majority of us, men and women, who are not experts in judging of the specific forms which international arbitration may take but yet are sincerely convinced that the establishment of universal arbitration would lead to universal peace, who are not statesmen or diplomats or those charged with the conduct of national policies but merely those who bear the responsibility of some influence in their respective communities, to express our determination here and now that we will go back to our homes from this delightful and inspiring Conference, gratefully remembering the gracious hospitality of our revered and venerable host and endeavor to secure an early realization of his ideal and ours by doing each our part in educating the American people to an understanding and acceptance of international arbitration as a sure and lengthy step towards international peace. (Applause.)

It is doubtless true that before the people can be brought to consider and support a plan for the securing of international peace they must first be convinced that peace, in itself, is a desirable condition of international relations. This seems, of course, to us to admit of no dispute and call for no argument, and yet it must not be taken for granted as the necessary state of mind of the mass of the people. Tradition, history, widespread false conceptions of patriotism and other virtues, and normal human passions all speak loudly in apparently reasonable opposition. Education for arbitration must therefore necessarily be conjoined with education for the desire for peace founded upon the reasonableness of peace. As to the technical



education of the schools with which some of us are connected. I think all will agree that any school, college or system of education, worthy of existence or support must, of necessity, give training in true religion, sound morals, correct conduct and good-feeling which are the bases of international good will and must therefore, abstractly at least, be an advocate of the fundamentals of international peace. And it would discredit the accuracy and the value of its teaching if it did not establish the reasonableness of peace. Deficiencies in the schools in these respects may well be supplied through such instrumentalities as the School Peace League, the Intercollegiate Peace Association, the Lake Mohonk Prize contests and similar enterprises. In my own experience I have found no great difficulty in enlisting large interest, among college students for example, in the many topics related to world peace.

The education of the people at large—that is, the development of an intelligent and determinative public opinion favorable to peace or arbitration—is a larger undertaking and more difficult of accomplishment. It calls for a vast deal of energy and skill and stupendous patience. The emotional factor in public opinion, while powerful, is, unhappily, fickle. That it should be cultivated and so far as possible controlled in the interest of peace goes, of course, without saying. But a public opinion to be permanent and effective must be intelligent and informed, and education of the intelligence of the masses in behalf of peace is perhaps of more importance than appeals to the emotions. I may relate an experience we have recently had in Georgia. Many thousands of our people, individually and in great mass meetings, appealed by petition to our Senators in Congress for ratification of the pending treaties of general arbitration. And yet, the amendments to the treaties, the adoption of which so emasculated them as probably to destroy their value, bear the name of the senior Senator from Georgia. And this on the eve of the offering of the distinguished Senator for re-election by the people of Georgia to the high office which he has honored for many years. That he will be re-elected is assured; that he ought to be returned, and without opposition, to his high place is generally conceded. The public opinion which dictated the petitions asking ratification of the treaties was, unquestionably, sincere and earnest. Our people are, I believe, overwhelmingly favorable to the maintenance at all proper cost of international peace. But the refusal of our senators to accede to the request of the people was accepted without protest—partly because of the confidence of the people in the general wisdom and conscientiousness of the senators; mainly, perhaps, because the public opinion back of the petitions was not sufficiently informed as to the terms and purposes of the



treaties to warrant an issue upon technical points with the judgments of the senators.

Experts must formulate the steps in progress towards peace. Public opinion must be educated to an understanding and acceptance of the steps proposed. An informed and intelligent public opinion is an irresistible power, and the only irresistible power in a free community. The duty and the responsibility of the great majority of those of us here present is to educate public opinion in this manner and to this end. Our propaganda should not be only emotional for the securing of universal peace; it should be intellectual for ensuring the onward progressive steps that make for universal peace. We may not expect to meet successfully all the arguments and quibbles of those who doubt the speedy advent of the millenium; we may share those doubts ourselves. Human law itself, which we now regard as the closest synonym to human order, is not of itself fixed and unchangeable. Concepts of the law may change with the changing centuries and "higher laws" may supersede the statutes in the future as they have in the past. But surely no reasonable man may doubt that international arbitration leads to international courts of justice; that international courts lead to a large measure of international order, which means the cessation of war and preparation for war among civilized states for settlement of differences which may arise between them. This would be a long step toward world peace. If the present generation should accomplish thus much the final consummation of universal peace might safely be left as a comparatively easy task for those who are to come after. My point is that in our pleadings for peace we should make clear the nature and the sufficiency of the immediate steps proposed for progress toward it, and that public opinion should be educated to understand what is proposed and marshalled in strength and determination to demand it.

One final suggestion: I am inclined to think that the force of American public opinion is sometimes weakened by over-organization. In the formation of our peace societies and similar organizations, we should not overlook the admirable opportunities afforded us for educational work in the peace propaganda through the numerous existing bodies such as the churches (of course), federations, fraternal orders, professional, trade and business organizations, etc. I am quite sure that, if properly solicited, place may be made for discussion in their assemblages of the great topics of arbitration, international courts and peace. (Applause.)

THE CHAIRMAN: The discussion of this subject is to be continued by Dr. JOHN H. GRAY, Head of the Department of Economics and Political Science of the University of Minnesota.

## ECONOMIC KNOWLEDGE AND INTERNATIONAL PEACE

REMARKS OF JOHN H. GRAY, PH.D.

I cannot refrain from comment on some of the remarks of Rear-Admiral Chadwick. He emphasized the force of commercial greed as a cause of war. I think we are all agreed as to the accuracy of his statement. I shall attempt to point out some of the influences which are tending first to enlighten that selfishness, and next to restrain it where it is not enlightened.

As we look at the history of the world, we are more and more impressed with the permanency of human instincts and customs and with the slowness with which human nature changes. On the other hand, we must not forget that with man's increased power over nature and the consequent means of communication the possibility of accelerated action is greatly increased. It was Charles Francis Adams who remarked that, "The locomotive wrought more changes and more profound changes in human character and in human relations in a single generation than had been achieved in the whole previous two thousand years."

The same forces that have resulted in these marvelous transformations have, also, increased the accumulated wealth of the world in a wonderful manner and have ushered in the age of democracy. But political democracy has required universal education and created a demand for economic democracy. These influences in turn have caused the most insistent demand of our day; namely, a demand for equality of opportunity and for a more equitable distribution of wealth. Whether we look at the strictly political demands for women's suffrage, the commission form of government, the direct election of United States Senators and direct primaries, or the more distinctly economic demands of the laborers not only for higher wages and a direct voice in the control of industries and workmen's compensation, or whether we turn our attention to the administrative side of things and view the demands for progressive taxes, inheritance taxes and income taxes, the initiative, the referendum and the recall, we soon discover that we are in the midst of world movements, all resting on the same human traits, the same instincts and impulses. A closer scrutiny compels our assent to the fact that the demand for these changes in this country is identical with the uprisings in recent years in China, India, Turkey and Russia and the still more remarkable revolution that has taken place within the last five years in Great Britain. I do not wish to assert or imply that all these demands are advantageous or that they can be granted without genuine hardship and in some cases even disaster. But they do indicate, at least, that the different parts of the world are moving together under a common impulse. All I am trying



to do is to call attention to some of the great fundamental world forces; forces which in the long run cause the rise or fall of nations, and make powerfully for peace.

Yea more! I am willing to admit that contemporaries are often unable to tell whether these movements mean progress or decay—whether, in other words, they mean progress or retrogression. What impresses an observer of such phenomena more than anything else is the apparent irresistible character of such movements, at least within any measurable period of time. I remark, parenthetically, that because the forces seem so impenetrable is no reason why we should not study them and use our best, though blind, endeavors to direct them into beneficent channels.

My object in calling attention to them at this time is not to pass judgment upon them as beneficent or diabolical, but rather to ask what relation they have to the movement for international peace.

But before trying to answer this question, we must briefly recall the conditions of mankind before the age of machinery and of democracy.

The two most fundamental facts affecting human welfare are the instincts of man for procreation and the law of diminishing production of subsistence from land in any given state of human knowledge. In the early stages of human progress, with man's limited power over nature, these two laws were in perpetual conflict. The consequence was that war was not only perpetual but was the chief business enterprise of every tribe and every nation. This was equally true whether one ate his captives and possessed himself of all his property and women, or merely enslaved his conquered enemy. It was likewise true of all peoples. In those days no people voluntarily limited its population to the existing means of subsistence and the ever increasing population made war constantly imperative. This was true of the earlier nations, of Greece, of Rome, of the wars of colonization, of the maritime and commercial wars after 1650. It was true also of the city-state period following the middle ages. True it is that the conquest of Greece and Rome caused the parent nations to become parasitic and to be overthrown by more primitive and more virile peoples. So of the first great modern nations, such as Spain.

But with the increasing power of man over nature came the greater power of creating wealth and the formation of the great national units. The degree to which these nations (acting on the Mercantile Theory that trade could be profitable to but one of the trading parties) exploited weaker nations, makes us shudder. When, after England rose to greatness and acquired a virtual monopoly of manufacturing and commerce, after 1650, as Professor James says, "Commerce became a more profitable means of plunder than war although commerce on this basis led to almost constant war."

Meantime the religious wars were giving a tremendous impetus to democracy, and better than that, this movement created a mighty ethical sentiment and started the discussion of the rights of the individual and of the brotherhood of man.

But the great influence that gave meaning and effectiveness of these religious, democratic and humanitarian impulses was the age of invention and machinery which so vastly increased man's power of producing subsistence, enabled the unparalleled increase of population, and welded together the different peoples into powerful nations. The fact that the world missionary movement arose at this time gave added emphasis to the worth of the individual and the brotherhood of man.

The vast accumulation of wealth, the increase of democracy, the increasing means of communication and of diffusing knowledge caused men to begin to ask if war were financially profitable even to the conqueror, and if it were morally justified. Meantime the growth of the feeling of brotherhood (to which the organizations of laboring men contributed so much), combined with cheap printing and universal education, began to make all men, at least in the more advanced nations, feel that foreigners were not necessarily enemies and were indeed profitable for purposes of commerce at least. The new economic doctrines, so widely taught, that trade is mutually profitable, tended to make war, as a business enterprise, disappear. The new economic doctrine, first clearly enunciated by Adam Smith, is now accepted by all intelligent people. So far as it has been accepted by the mass of people, it has worked directly against wars of conquest. It is now clearly recognized (since slavery has disappeared) that even holding people in subjection for purposes of exploitation is going out of fashion, and the hoary fallacy that trade follows the flag is fast disappearing.

Under all these influences war among the advanced nations becomes less likely. The inclination for a great nation to subjugate more backward peoples is held in check not only by the money cost to the conqueror, but still more by the feeling of the masses, whose influence under the growth of democracy is becoming paramount. The jealousy of other great nations also plays an important role.

In the light of present ethical standards in regard to the duty of the strong towards the weak and in view further of the sense of brotherhood among all peoples, to say nothing of the increasing destructiveness of war, we may hope for a speedy lessening of the chance of war among civilized nations.

Keeping all these changed conditions in view, let us look for a moment at the educational forces making for the disappearance of war. The world is already too complex to be greatly influenced by a single agency.



I yield to no man in my admiration for and belief in the multitude of formal organizations such as this one working directly for international peace, international arbitration and the abolition of war. Each of these, so far as it is intelligent and sincere, is to be recommended and encouraged. The world needs and can use advantageously every one of them. Each makes a different appeal.

But after all, these are powerful only as they either rest upon or tend to create public sentiment. Furthermore most of these movements are aiming directly to influence adults. The hope of the future rests much more in the right intellectual and ethical education of the plastic nature of youth. In the long run, the progress of this great cause will be great or small as the general education of the youth gives them proper ideas of truth, justice and fair dealing of man with man, and nation with nation. Much of this education will be more effective as it does not attempt to deal formally and directly with the subject under discussion, but develops the character and judgment of the child and teaches him honor and the correct methods of acquiring and using wealth. This is especially true of the earlier years. Above all, we must not try to accomplish our object by an appeal against the heroic or even the horrors of war or by attacks on the army and navy. In the present state of public opinion I want my boy to belong to the boy scouts and to learn to appreciate the military virtues of bravery, courage and discipline and the manly art of self-defense. I would have neither him nor the nation lose the impulse of fighting and of self-defense but would attempt to bring that impulse under effective and rational control, and to utilize it for the advancement instead of the destruction of men.

When we come to the maturer years of youth, I believe the most helpful single agency for peace is the extensive teaching of sound economics and sociology in our colleges and universities. We are sending out from these institutions every year hordes of young men and women with right ideas as to the economic losses of war, with some idea of the duties the strong and the well-to-do owe to the weak both in an individual and a national sense. We are imbuing the rising generation with a new idea of the responsibilities of talents and of wealth. These high ideals of citizenship and of private, public and international duty seize hold of the youth during the most ideal and heroic period and before the sordid competition in the struggle of life blunts his ideals or tempts him from the path of justice and virtue.

It is by such slow and laborious educational processes as this and by the ever increasing peaceful contact of individuals the world over, rather than by any formal attack on the military spirit or the military profession, that the sound judgment, spirit of self-restraint and fair play will be inculcated. By such

methods, including the inculcation of the spirit of true democracy will the final victory be won. For it is by this laborious and painful process, rather than by any formal agreement, that the race has risen from barbarism and cannibalism to its present high state of civilization. (Applause.)

THE CHAIRMAN: I now have pleasure in presenting Mr. CHESTER D. PUGSLEY, the donor of the prize of \$100, founded by him while he was an undergraduate in Harvard University and for some years past offered annually by this Conference, for the best essay on international arbitration by a college student. He will now present the prize to the winner.

## PRESENTATION OF THE PUGSLEY ESSAY PRIZE

BY MR. CHESTER DEWITT PUGSLEY

Fifty-one essays were submitted for the prize this year, fifty of which were essays which indicated serious thought and excellent work on the part of the contestants. This means that fifty college students a year, in almost as many different colleges in all parts of the country, are becoming familiar with the status and scope of international arbitration, the Hague Conferences and the arbitral court, and will throughout life be more or less interested in the subject and have a knowledge of it which will enable them to do effective work in creating and moulding public sentiment in favor of the substitution of justice for force in the settlement of international disputes.

Your committee, consisting of Chancellor Elmer Ellsworth Brown of New York University, Hon. Oscar S. Straus and Rear-Admiral C. H. Stockton, have awarded the prize this year to John K. Starkweather, of Denver, Colorado, a Junior at Brown University. Honorable mention is made of the essay awarded second place and submitted by R. S. Bourne, of New York, a student at Columbia University; the next in order of merit are those of Francis M. Barranco, of Brooklyn (New York University); Seymour P. Gilbert, Jr., of Bloomfield, N. J. (Rutgers College); O. B. Buchanan, of Washington, D. C. (George Washington University), and J. Frederick Reeve, of Chicago (Loyola University).

Mr. Starkweather, on behalf of the Conference, I present you with the prize of \$100 offered by it for the best essay on International Arbitration by a student of any American college or university. (Applause.)

THE CHAIRMAN: I have pleasure in presenting Mr. STARKWEATHER.



## ACCEPTANCE OF THE PUGSLEY ESSAY PRIZE

BY MR. JOHN K. STARKWEATHER \*

I appreciate most highly the honor conferred upon me in awarding me this prize, and desire to express my sincere thanks to you, the members of this Conference and especially to Mr. Pugsley. I am glad also to thank Mr. Smiley for the opportunity to spend a short time in this beautiful place.

The progress of the peace movement in the world must necessarily be slow, impeded by obstacles of all kinds and in all nations. It is not strange that this is so, for the history of every country is filled with tales of war and bloodshed, and too often the war-maker is assigned a higher place among our great men than the peacemaker. I believe in the future of universal peace, but I believe that the only way in which success can be obtained in that movement lies in the arousing of a greater interest among the common people of every nation.

Your Conference here, and conferences like it, are of value chiefly in so far as they spread your principles among the peoples of all classes, for in the end it is the people who must stand behind any such movement as this. It took a long time to bring the people of the world to the point where they were willing to submit their personal disputes to impartial tribunals; but that step once taken, supported by energetic action on the part of such bodies as this, it should be far easier in the future to accomplish your ultimate purpose of universal peace.

In establishing this prize Mr. Pugsley, I feel certain, has accomplished more than any one here can fully realize. He has done more than the mere setting of a goal for literary endeavor for the college men of this country; he has stimulated the interest of those who as educated men must lead your movement in the future; he has assured the continuance of your work in the next generation, for no man who has entered upon this contest can have failed to be deeply impressed by the possibilities of the peace movement through the agency of arbitration.

I thank you for the privilege of being here at this time and of meeting and listening to the words of so many of the men who are actively engaged in carrying on the work of international arbitration. (Applause.)

THE CHAIRMAN: Chancellor BROWN.

Dr. ELMER ELLSWORTH BROWN: It was my fortune to be a member of the committee of award of this prize last year and again this year, and I should like to say that, comparing the essays of last year with those presented this year, we can see that

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\* For an account of the contest and a reference to the winning essay by Mr. Starkweather, see Appendix D.—Ed.

there is a decided advance on the part of these college students in an intelligent conception of the problem with which their essays dealt. (Applause.)

THE CHAIRMAN: Dr. James Brown Scott will now speak on behalf of Mrs. ELMER BLACK, the donor of the prizes of \$200 and \$100 for the best essays on International Peace written by women college students.

## AWARD OF THE BLACK ESSAY PRIZE\*

BY DR. JAMES BROWN SCOTT

I shall not detain you a moment by any observations of a general nature as to the origin and character of the prizes to be awarded or as to their usefulness in creating an interest among the young women of our colleges in the peaceful settlement of international disputes. I shall merely say that Mrs. Black has requested me to offer, in her behalf, the same prizes next year: that is to say, a prize of \$200 for the best essay on International Peace written by a college woman, and a prize of \$100 for the next best essay written by another college woman. (Applause.) She also subjects the prizes to the same conditions; namely, that the judges shall be three in number, one of whom shall be a woman.

There were, in all, seventy-six essays submitted; the three judges were Mrs. Edwin D. Mead, Professor George W. Kirchwey and Mr. Scott, and they considered the essay written by Miss Eunice B. Peter, of the Chicago Law School, entitled "The Relation of Democracy to the Peace Movement," as the most meritorious, and therefore the committee awards to Miss Peter the first prize of \$200. I regret that Miss Peter is not here to-day to receive it in person, but it will be transmitted through the proper channels.

The second prize of \$100 has been awarded by the committee to Miss Katherine Warren, a student of Simmons College of Boston, for an essay entitled "The International Peace Movement." Miss Warren is also absent.

I substituted last night for Mr. Choate. I have substituted to-day for Mrs. Black. You will excuse me from substituting for Miss Peter, and you will allow me to conclude by congratulating not merely the young ladies who won prizes, but the forty-nine competitors. (Applause.)

THE CHAIRMAN: The Conference stands adjourned until this evening at eight o'clock.

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\* For an account of the contest and reference to the winning essay, see Appendix D.—Ed.



## Sixth Session

Friday Evening, May 17, 1912

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THE CHAIRMAN: I take pleasure in reading to the Conference a cable from London which has just been received by Mr. Smiley:

“British National Peace Conference sends friendly greetings.”

It will be a pleasure to incorporate the cable in the records of this meeting. (Applause.)

As the first speaker of the evening I have pleasure in presenting Judge SELDEN P. SPENCER, of St. Louis, who speaks with authority as a member of the International Committee of the Young Men's Christian Association and as President of the International Convention of 1907, held in the city of Washington.

### THE RELATIONS OF THE YOUNG MEN'S CHRISTIAN ASSOCIATION TO INTERNATIONAL ARBITRATION

ADDRESS OF HON. SELDEN P. SPENCER

I like the subject upon which I am to speak—the Relation of the Young Men's Christian Association to International Arbitration.

The Young Men's Christian Association is not only in the size and character of its large membership a practical factor of importance in the actual working out of any effective international arbitration, but in its high purpose, as evidenced by its name and work, the Brotherhood epitomizes the very foundation principles upon which at last international arbitration must inevitably depend for its success.

It would not be a bad definition to speak of all efforts for international arbitration as a Young Men's Christian Association; for manifestly such action depends upon the sentiment and action of young men.

Equally clear is it that its principles are Christian in character and without doubt its efficiency is directly related to a general understanding of its inherent wisdom which associations of men so successfully promote.

I was brought up as other boys in Christian homes to think of war as the only natural, brave and efficient way of settling international disputes which did not yield readily to convention between the parties, and the very brute force which was so severely

condemned in regard to differences between individuals, was exalted as a proper and commendable method of settling disputes between nations, while that old fogey here and there who preached of universal peace and international arbitration was either patiently endured or openly ridiculed.

Yet, to-day, as argument after argument, or stronger still as person after person whose words make an impact, not only because of their inherent wisdom but because of the lives and characters of the speakers back of them, come to be heard, the peace feeling, as Dr. White so eloquently showed us this morning, has grown into a habit and the war feeling, like the tomahawk of the Indian, is rapidly becoming historical.

How wise it is in times of peace to prepare for arbitration, for unless the wisdom and the efficiency of arbitration becomes engrafted in the hearts and minds of young men in times of calm when there is nothing to arbitrate, it will never be available in the first instance when war is in the air and public sentiment is aflame.

This education in the science of peaceful settlement of international differences—the promotion, Mr. President, of the international mind to which you so aptly alluded, which is directly an essential part of conferences like this—is indirectly but perhaps no less effectively an inherent and vital part of the brotherhood of the Young Men's Christian Association whose opposition to war is the natural and inevitable result of every economic, social, fraternal and Christian principle upon which that association stands.

It cannot be otherwise than that the Young Men's Christian Association must on principle, and will by inclination, sympathize and co-operate with the high purpose which animates this Conference. The name of Christian binds the Young Men's Christian Association to this by manifest and manifold reasons that are axiomatic, for as the teaching of Jesus Christ—King of Kings—is recognized and followed in the relation of nation with nation, war becomes automatically impossible. The same Christian purpose which is the dominant note in the Young Men's Christian Association is, whether we fully recognize it or not, the only enduring basis of international peace.

Effective arbitration is no more the result of law than personal purity is the result of law. Each has its real vitality not in the rule which declares or enforces it but in the heart which inclines toward it, and that international arbitration which amounts to anything must come from the very heart of the nations.

As Mr. Justice Riddell eloquently expressed it, "Not in parchment lies the power of international arbitration, but in the union of hearts," and the heart of a nation, like the heart of a man, is not molded by law as much as by love, and every ingredient of



love, recognition of the other's worth, self-sacrifice, humility, generosity, are principles of Christian faith. "Blessed is that Nation whose God is the Lord."

More than this the Association is itself a powerful and natural ally to the cause that brings us to this delightful spot. It is the largest and most representative association of men in the world. It comprises men of the college, of the city, of the town, of the country. It enrolls in its membership men of every religious belief and of no religious belief. It has among its adherents men of every walk and condition of life. It has become the great factor in the solution of every problem with which man, in his personal relationship to God and to his fellowmen, has to deal.

Moreover, this same great body of representative men is in powerful and energetic existence in every civilized nation on the globe. Mr. Richard C. Morse, the distinguished Senior Secretary of the International Committee of the Young Men's Christian Association, who is with us to-night, was crossing and re-crossing the ocean in the promotion of the principles of international arbitration as exemplified in the international work of the Young Men's Christian Association, more than a generation before the first arbitration conference was commenced.

The World Christian Student Federation—an offspring of the Young Men's Christian Association—in its international affiliation of one hundred and twenty thousand men of the student body of the world, becomes at once a potent advocate of international arbitration. Nine-tenths of the present senate of the republic of China is composed of men who were students in the United States or in Japan or in Europe within the last decade or two decades of time.

I presided a few years ago over a single session of the great jubilee International Convention of the Young Men's Christian Association at Boston. I shall never forget the thrill of enthusiasm that characterized that meeting, when representatives of different nations, speaking nineteen different languages, each in his own tongue—Russian and Japanese, German and Frenchman, Englishman and Indian, and so on with nation after nation side by side, many of whom even in my own time had been at war one with the other—exclaimed before the assembled thousands, "One is your Master,—Even Christ, and all ye are brethren." That *was* international peace.

The banding together of the men of a single nation in the bonds of Christian fellowship is a link in the chain of international brotherhood, and when the same great Christian fellowship has bound together the men of every nation, as it has, the association of these several Christian national organizations with their hundreds of thousands of members animated by a common purpose, forms an international body that in sympathy and in power is a

mighty force for the peaceful settlement of all international questions, and that sympathy and power is found to-day in the Young Men's Christian Association. We will be in no danger of neglect or retrogression in this great matter if we catch and keep a vision of what God intended and expects of his children.

The relation of brotherhood is not affected by geographical lines, nor is it to be forgotten in times of political excitement. No man will have difficulty with international arbitration who actually recognizes this divine relationship. If the vision of brotherhood grows dim it needs but another look to bring back the invariable result of such a vision—"on earth peace, good will to all men." (Applause.)

THE CHAIRMAN: As the next speaker I have pleasure in presenting the gentleman who very ably fills a very important position, Hon CHARLES P. NEILL, of Washington, United States Commissioner of Labor.

## THE RELATION OF LABOR TO INTERNATIONAL ARBITRATION

ADDRESS OF HON. CHARLES P. NEILL

It is, of course, merely expressing a historical platitude to say that in every great social movement—such as the one for which this Conference stands—there are two equally important periods.

The first must be given over to agitation or education—call it whichever you choose—during which the energy of the propagandist has to expend itself either in merely awakening a dormant or apathetic public sentiment; or—what is harder—in breaking down an adverse sentiment and building up in its place a sympathetic one.

In the second period, the task is to crystallize the floating sentiment that has been built up in a host of individuals, and through some effective form of organization, or through some social mechanism, render it articulate, and give it practical direction and concrete force.

The movement for the arbitration of international disputes has emerged—or, certainly, is emerging rapidly—from the first of these periods; and is *now* confronted by the very different problem that the second period presents. It is plain that the arbitration movement has less than half succeeded, in spite of the probable fact that a majority of the citizens of the most important nations are to-day mentally converted to the principle of that movement.

But it remains to transform these converts from passive adherents to aggressive propagandists, who shall see to it that their theory is translated into an institution.



What is needed *now* is organized effort that shall convert war into a blessed memory and arbitration into a living institution; and the first suggestion I wish to venture to-night is that the most effective form of organization for the realizing of this aim, is, not an organization that plans to enroll in its membership as individuals all those who believe in arbitration; but, rather, one that sets out to bring together existing organizations of various kinds into some suitable and effective form of federation. And when such federation has been successfully worked out on national lines, it might well be developed further on an international basis.

And the second suggestion I venture is that in furthering the cause of international arbitration through some federation of existing organizations, as here proposed, the labor movement, both because of its character and of its extent, would furnish one of the strongest elements.

I am not unmindful that to very many people the mere term "labor union" conjures up visions of strikes, together with some of the violent and unfortunate concomitants that too frequently accompany this form of industrial warfare. Of course, those who know of labor organizations mainly through such manifestations see only their more militant aspects; and to them these organizations, naturally, seem planned and conducted primarily for purposes of belligerency, and poorly adapted to the fostering of any kind of peace sentiment.

It is unnecessary for the purposes of this paper to go into any discussion here of the nature and functions of labor unions; of their importance or their necessity in our existing industrial order; or of the part they have played and are still playing in the evolution of the civilization of democracy.

To forestall controversy and to pass on to that aspect of the subject that concerns us here, let me concede that labor unions, like other forms of social organizations—whether political, civic, or religious—are necessarily made up of men and women more or less like ourselves, and that these unions, therefore, have the failings and the faults that are always and everywhere characteristic of us all in our individual and in our collective activities alike.

Let me concede that labor unions—like other kinds of organizations—have left undone things they ought to have done, and have done things they ought not to have done. And yet, speaking after exceptional opportunity for close observation of them, and from a rather intimate knowledge of their aims and practices—and possibly realizing their weaknesses and their faults as clearly as their most unfriendly critics—I yet believe firmly that when properly appealed to, the labor union will be found to be

one of the strongest, most intelligent, and most effective allies in the movement for the cause of international peace.

In the first place, any plan to substitute peace for war appeals to the army of manual toilers in a material and a selfish way more directly, perhaps, than it does to those other groups of society that are more happily situated economically. For it is upon the toilers who form these unions that the burdens of war really bear most directly and most heavily. It is from their ranks that is drawn a large proportion of the victims who are offered up as a sacrifice to the insatiable God of War; who go down in droves into unnamed graves; who endure all the grimness and the horror of war and reap little of its rewards or its glories.

So, too, it is upon the manual workers, the majority of whose incomes are small and poorly suffice for the fuller needs of life, that the regular taxes levied to maintain a military equipment in time of peace, and the exceptional taxes levied to meet the drains of war, fall most heavily. Not that they necessarily pay the largest share; but because every dollar drawn from the resources of the man with little income represents in reality a heavier burden, is a more real sacrifice, than perhaps ten or fifty times as much taken from the income of one who is better off.

Again, up to the present, the demands for social legislation and for the undertaking of schemes of social betterment that involve heavy governmental outlay have been much more common in foreign countries than in our own. This has been partly because so far there has been more imperative need there than here for invoking governmental action to remedy industrial evils; partly because the more centralized governments are better equipped for these functions than our decentralized system; and partly because by temperament and tradition foreign peoples turn more naturally than we do to what we term "paternalism;" but this contrast is less true to-day than it was yesterday; it will be less true to-morrow than it is to-day.

The necessity for social legislation is daily becoming more evident in the United States. Our problems are rapidly reaching a point where governmental activity in a larger degree will become inevitable; and whether for good or ill, the popular tendency to look to the government for a remedy for industrial and social maladjustments is rapidly increasing in the United States.

One argument constantly made in opposition to demands for legislation for the betterment of the condition of working men and women is the great expenditure such legislation frequently involves; and the reiteration of this argument cannot fail to force on the wage-earner the conviction that large public expenditures for the maintenance of armies and navies in time of peace, for interest and for sinking funds necessitated by the indebtedness



incurred in war—stand squarely in the way of many sorely needed laws for his social betterment.

Again, even the return of peace after a protracted war usually brings with it a certain form of temporary disaster to the wage-earner.

The very bane of existence to the man who works with his hands for a daily wage, the specter that haunts him through all the days of his working life, is the fear of *unemployment*.

When a war ends that has drawn heavily from the ranks of the wage-earners, there is always a period required for industry to readjust itself to a normal basis. In the defeated country, especially, the recovery of industry is slow; and along with this, a large number of troops is suddenly released from military service and added to the ranks of those seeking employment, and the struggle for work then takes on one of its saddest and most tragic aspects.

These considerations merely suggest the extent of the burden that the working men and women of a country bear as a result of war and the preparedness for war; and accentuate the degree to which the purely material and selfish interests of the working man naturally—and properly—incline him to peace rather than to war.

But it is not alone material and selfish considerations that render organizations of working men sympathetic adherents of the propaganda for international arbitration.

It is upon those who literally eat their bread in the sweat of their face, that the burdens of our modern industrial system and of our largely commercialized civilization bear the heaviest. They realize the inequalities of that system more keenly than those who have fared better economically. They come face to face in their daily life with the concrete shortcomings of that civilization; they, better than their more prosperous brethren, realize in their own daily lives of poorly requited toil how far that civilization fails in the attainment of its professed ideals. All this fosters in them discontent; but it is not necessarily a discontent, pessimistic, hopeless, despairing, sodden. It is a discontent that is hopeful, optimistic, ambitious, militant. It is the discontent that stimulates to struggle, that turns one's mind and thoughts from the mere contemplation of the failures of our system of civilization to its ideals and its unrealized possibilities. And for this reason the seeming paradox is true, that amongst those who are held down closest to the struggle for the mere necessities of life, who enjoy least of the material and the intellectual fruits of our civilization, who live most in its toil, its smoke, and its grime, and least in its leisure and its sunshine—that amongst these one finds most frequently the optimist and the idealist.

It is among my own leisured acquaintances, my intellectual and



professional friends, my college and university brethren, that I find most frequently the pessimist, the political sceptic, the social cynic.

For your idealists, for those to whom the dream of the arbitrament of reason in place of the arbitrament of the sword will particularly appeal, whose hearts it will enthuse, and whose efforts towards practical realization it will arouse—you may look confidently to the great rank and file of the regiments of industrial toilers, the hosts of the army of peace and production, who are already marshaled in the organized labor movement.

Suffering a common hardship, like facing a common danger, or fighting a common foe, creates the spirit of comradeship, begets the sense of brotherhood; and it is this that has begotten in the working classes *of the different nations* a sense of common brotherhood that is probably not found in the same degree in any other social class. The age-long struggle for the attainment of the ideals of democracy is going on to-day in practically all the countries of the world. In some countries where the fruits of political democracy have already been obtained, the struggle is for more equality of opportunity in the industrial and economic realm; in other countries the struggle is still for the very beginnings of political democracy; in still other countries the struggle reflects in turn the whole gamut between these two stages. But everywhere it is the working classes that are most in evidence in this struggle.

The similarity of the burdens under which they chafe, irrespective of country, and the identity of the aims and aspirations under the stimulus of which they are carrying on their struggle, has begotten in a marked degree in the laboring masses a spirit of class consciousness that is taking less and less heed of national boundary line. This class consciousness has been deliberately fostered and stimulated for his own purposes by the Socialist propagandist.

We are familiar with the extent to which it characterizes Socialism. It is at once the basis and the battle cry of the Socialist propaganda. But this sense of class solidarity—though it reflects itself in a different form of activity, and is not accompanied by the same bitterness and hate towards other social classes—is almost as strong in that part of the labor movement that opposes Socialism, as it is in that part that espouses Socialism. It is at bottom what gives rise to the labor movement, and what gives it vitality and endurance. And this class consciousness, this sense of group brotherhood, begotten of a common burden, tends more and more to obliterate political boundaries and to forget diversity of language, of nationality, and of race.

On the basis of sentiment and of idealism, therefore, as well as on material grounds, the abolition of wars between nations and



the substitution therefor of the peaceful methods of international arbitration appeal most strongly to the wage-earners of every country, for the very reason that it so completely fits into their growing concept of common brotherhood.

The tendency of Socialism towards "internationalism" and its frequently declared opposition to wars between nations are of course well known; and to repeat in this respect the Socialist attitude may be taken as a reflection in a fair degree of the attitude of the majority of wage-earners.

In many European countries the Socialist movement has so largely won over the working classes that its principles may be taken as a thoroughly representative expression of their beliefs and aims. And even in the United States, in certain respects and within certain limits, it reflects views that are common alike to wage-earners within and without the ranks of Socialism.

There are hundreds of thousands of American workingmen who refuse to accept the basic errors or the futile remedies of Socialism; who are aggressively opposing the Socialist propaganda; but who are in hearty sympathy with the Socialist in his sense of solidarity and brotherhood, and who share his feeling of kinship with fellow-toilers who happen to bear allegiance to other political sovereignties.

In a word, then, the sentiment of the working class, whether reflected in the movement for Socialism or reflected in the more conservative movement of trade unionism, is everywhere sympathetic with the movement represented by this Conference for peace rather than war, for the arbitrament of reason rather than of the sword.

The labor movement extends the length and breadth of the United States. There is hardly a city of consequence where this movement is not organized, and its total numbers reach into millions. Here then is a movement organized and, it seems to me, peculiarly ready to be utilized as an ally for the cause of peace; and which would prove a powerful aid in crystallizing and making articulate the growing feeling that war has little place in the professedly Christian civilization that we are struggling to establish. (Applause.)

THE CHAIRMAN: A gentleman who has attended many Mohonk Conferences has recently returned from an exceptionally interesting and thorough visit to Japan. I have pleasure in presenting the Managing Editor of *The Independent*, President of the Third American Peace Congress, Mr. HAMILTON HOLT, of New York.

## JAPAN AND AMERICA

ADDRESS OF MR. HAMILTON HOLT

On March 31, 1854, Commodore Perry, on behalf of the United States, signed with Japan a treaty of commerce and friendship which opened Japan to the world and inaugurated the most remarkable political and social revolution known to history. The first sentence of that treaty reads as follows:

"There shall be perfect, permanent and universal peace and a sincere and cordial amity between the United States of America on the one part and the Empire of Japan on the other, and between their people respectively without exception of persons and places."

I cannot recall a single instance from that day to this, save possibly the Shimomaseki affair of 1863, in which Japan has violated either the letter or the spirit of that peace pact. On the contrary, Japan has done everything in her power to show her gratitude and affection for us. She has sent her brightest young men to be trained in our universities and technical schools. She has modeled her educational system after ours. She has employed many Americans within the Empire as advisors, teachers and administrators. At the present moment an American citizen, Mr. Dennison, is serving as chief advisor of the Foreign Office; and incidentally it is worth mentioning that Mr. Dennison has always had an understanding with the Japanese government that in case of trouble between Japan and America he would return home. He has not yet asked for his release.

The United States had an equally unblemished record for cordiality to Japan until the close of the Russo-Japanese war. Then a change began. Personally I take no stock in the charge that the American war correspondents, whose work at the front was so restricted by the Japanese military authorities, started the anti-Japanese cry in a spirit of revenge. Nevertheless, all at once and without any obvious reason inspired statements began to appear in the American press that we would have to fight the Japanese. They were getting "cocky" as a result of their victories over Russia and needed to be "taught a lesson." Furthermore the English and German war scares were beginning to experience the law of "diminishing returns" and our battleship builders and Admiral Mahans were under the necessity of conjuring up some new adversary against whom we needed the protection of a great, and ever greater navy. Then came the California law segregating the Japanese in the schools as if they were not fit to associate with white children. That stirred up Japan to strong protest but it ended in the Japanese government stopping all emigration to this country so that even students find it difficult to come here to-day. Indeed there is now an excess of Japanese returning from the United States over Japanese coming



to the United States by about three thousand a year. Immediately after the California incident President Roosevelt sent the fleet on its gastronomic voyage around the world, ostensibly on a "peace" cruise, but in reality to impress Japan. Japan turned the other cheek by spending a million dollars to entertain it. She has shown similar hospitality to our delegations of merchants and others who have visited the islands. But the pinpricks continued. The cheap politicians began to introduce bills in the California legislature to prohibit the Japanese from the Pacific Coast and to prevent those already there from owning land or engaging in business. Next came the report that Japan had a secret treaty with Mexico against us and was to be allowed a Pacific port. That of course turned out to be a "fake." There were also the reported speeches of a member of Congress, formerly of the Navy, declaring that Japan was waiting the near time to declare war and seize the Philippines, Hawaii and the Pacific Coast. On February 25, 1911, on the floor of the House, Mr. Hobson prophesied war with Japan within twenty months. Thus only five short months remain before our hearthstones will be violated by the "yellow peril." Then came Secretary Knox's proposal for the neutralization of the Manchurian Railway which appeared to Japan to seek to deprive her of rights she had gained by the treaty of Portsmouth and to destroy her preponderant influence on the border state facing her Korean frontier. Next appeared a scheme of American capitalists to build the Chinchow-Aigun Railway to rival the South Manchurian Railway in China. This was followed shortly by the extraordinary proposal from bankers originating here, that a syndicate representing four Powers, the United States, England, France and Germany should loan China \$50,000,000, the interest to be guaranteed by all the unhypothecated resources of Manchuria, and the provision added that China should go to these four Powers for any future loans, thus dethroning Japan from her primacy in Manchuria and all China. Though the Knox neutralization plan and the American railroad scheme fell through, and the bankers controlling the four-Power loan have since invited Japan and even Russia to join their circle, these proposals made a very bad impression in Japan. Our attitude in respect to Manchuria was very much the same as though Japan went to our border state Mexico and said: "See here, Mexico, the United States has a good deal of money invested in your territory. It is a menace to your integrity. We suggest that you let us raise a loan, so that you can pay back the United States what you owe her and then tell her to get out. You can come to us only for all future loans." If such a proposition were made by Japan to Mexico nearly every editor in the United States would be shrieking for war. But the Japanese are a very self-controlled people. They say very little. They feel, however,



that they have the same right in Eastern Asia that we claim in this hemisphere under the Monroe Doctrine, that is, the inalienable right to take any proper course requisite for self preservation.

And now, since the first of the year a measure known as the Dillingham Bill was favorably reported to the Senate by the Committee on Foreign Relations which would have excluded the Japanese from our shores as the Chinese are now excluded. Fortunately the exposure of the "joker" in the bill led to a modification of its anti-Japanese clause. But in the meantime the news had been cabled to Japan and the harm was done. Finally Senator Lodge, who is more responsible for the defeat of the great peace treaties with England and France than any other man save Theodore Roosevelt, has again revived the Magdalena Bay war scare by charging Japan with seeking concessions in Mexico in violation of the Monroe Doctrine. In this connection President David Starr Jordan has just written me as follows:

"Magdalena Bay is in the rainless belt of lower California, in a region in which nothing grows except cactus and a few stunted cedars. There is a good harbor, and there is excellent fishing in the bay. There is a little village where the people formerly maintained themselves by gathering orchil, a lichen used as a yellow dye, but this use has been displaced by aniline dyes. There is no water except a spring which comes up close to the sea among the sand dunes."

The State Department has shown the Senate that this Magdalena incident is not of the slightest international importance, as every one who has followed the affair might have prophesied. Why then are these charges repeated when in every instance they are invariably proved to be without the slightest foundation? If any one still doubts Japan's cordial feelings for us the following incident which has not received the public recognition it deserves ought to set all fears at rest. Last year when Japan learned that we were preparing to negotiate an unlimited arbitration treaty with Great Britain, she voluntarily consented to a modification of the Anglo-Japanese Alliance so that in case of war between Japan and the United States England would not have to choose between breaking her alliance with Japan or her peace treaty with us. Surely Japan would never have renounced the right to call on England for aid if she had reason to expect any future trouble with us.

And if that is not sufficient evidence of Japan's good intentions it is a fact that Japan cannot afford to fight us even if she wants. The country is at the present moment taxed almost to death to pay for the aftermath of the Russo-Japanese war. Everybody in Japan—native or foreigner—will tell you that the greatest need of the country at the present moment is commercial development. As we are by far Japan's greatest customer—taking one-third of all her exports—even should Japan defeat us in battle, the loss



of our markets would bankrupt her in six months. Give her statesmen at least credit for thoroughly understanding this.

The fact is that next to the Anglo-Japanese Alliance there is nothing that Japan so courts as our good will. Even now she will do anything that we want provided she can do it with dignity. The evidence is overwhelming to any one seeking the truth. I visited Japan chiefly to learn all I could in the time at my disposal concerning her foreign policy and especially her attitude with reference to the peace of the world. I believe I had rather exceptional opportunities for finding out what I sought. It is my unqualified conviction that no people in the whole world are more sincerely desirous of peace than the Japanese.

The key to the understanding of Japan's progress since the Restoration in 1868 can be found in her two unswerving and highly ethical ambitions; first, to maintain her national integrity, and second, to become the equal of any other nation of the world in the arts of peace. She has achieved her first great purpose beyond question. The late Prince Ito said Korea was a dagger pointed at the heart of Japan. She now holds Korea which is the key to Japan and the Manchurian Railway which is the key to Korea. With these strategic positions under her control and with an army and navy that rank with the best, her integrity is practically assured from any of the land-hungry nations of the west. She has also made such wondrous progress in the arts of peace that she has nothing further to learn of western civilization, I believe, except in four departments; namely, the ethics of business, the legal status of woman, the organization of labor and the extension of adult suffrage.

With her national integrity assured and her civilization in most respects equal and in some respects superior to that obtaining in western nations, her one present hope and prayer is not to extend her dominion by diplomacy or conquest, but to live henceforth in stable equilibrium, cultivating peace and friendship with all mankind. Her great problems from now on will be to assimilate Korea and Formosa into integral parts of the Empire—she has no intention of keeping them as colonies or dependencies—and to further her great political, educational and economic reforms at home. These tasks are more than enough to absorb all her thought and drain her resources for years to come.

The charge, therefore, whether made in China, Russia, Australia or the United States, that Japan is deliberately planning a policy of national aggression and only biding her time openly to embark on it will not stand the test of any candid investigation.

If Japan, then, has only the kindest feelings towards the United States, how can we best bring about a condition in this country whereby all these slanders against Japan will cease? Doubtless



there are many ways. I will mention only the one that seems to me most promising. Why should not efforts at once be taken to send over to Japan in the next few years some of the leading American editors and owners of newspapers and magazines? I broached this subject in one of my public addresses in Tokyo and the idea met with much approval in the Japanese press. The good relations between any two peoples depends on the amount of correct understanding each has of the other. The diffusion of intelligence in this day and generation unquestionably depends on the periodical press. But if the leading editors of the country do not understand foreign conditions how can we expect a public opinion which ultimately controls to be effective under a sudden strain? I venture to say that there is not a newspaper or magazine in America to-day that employs an editor who can read Japanese and therefore can get a first hand idea of the public opinion prevalent in Japan.

While it is doubtless impossible to expect our moulders of public opinion to learn Japanese, the next best thing is to have them visit Japan. They will then know pretty well how to handle the calumnies whenever uttered by our yellow journals or by the Lodges, Heyburns and Hobsons of our Congress. A systematic movement of this character could most appropriately be undertaken by such organizations as this, for surely peace advocates of the United States are the ones naturally to take the lead in bringing to an end all this infamous and recurrent war talk.

I repeat, therefore, that if there is ever any trouble between the United States and Japan, it will be because we deliberately seek it or else because public opinion in America is allowed to be kept in ignorance of the true attitude towards us of our great and long-forbearing sister nation across the Pacific. (Applause.)

THE CHAIRMAN: As the next speaker I present Rev. FREDERICK LYNCH, of New York, Secretary of the Commission on Peace and Arbitration of the Federal Council of Churches.

## A CHURCH PEACE LEAGUE

ADDRESS OF REV. FREDERICK LYNCH

When I spoke here three years ago on this subject of the churches and the peace movement, I was obliged to call attention to the apathy of the churches in regard to the whole gospel of the brotherhood of nations. I am glad that to-night I can point with pride to the splendid leadership the churches have been manifesting since that time, both here and in Europe. I am still more glad to be able to tell you of the greater activities the churches are about to undertake.

You have heard, from Mr. Allen Baker last year and from Baron de Neufville this year, of the great work the German and



English churches are accomplishing in promoting friendly relations between the nations. When the general arbitration treaties between the United States and Great Britain and France were proposed by the President, there was presented to the churches of the country an issue as well defined and as immediate as that which had aroused the churches of Germany and England. Our churches rose to it superbly. Last year pretty nearly every Protestant church in the United States had something to say in favor of the arbitration treaties. The American Peace and Arbitration League secured over 30,000 sermons, most of them followed by petitions to the Senate, on one Sunday, November 26th. The New York Peace Society acting for the Citizens' National Committee sent letters and literature on the treaties to every church in the United States (over 150,000) with excellent results. The Federal Council of the Churches of Christ (which embraces most of the Protestant denominations in the nation) immediately created a representative commission on Peace and Arbitration, and communicated with all its thousands of churches, and got thousands of sermons preached and resolutions passed. The Protestant churches of this nation, it may most justly be said, put themselves as a whole body on record as favoring the unlimited arbitration of all international disputes. So did the religious papers. So also did the daily papers, for that matter. I believe that the Senate absolutely misrepresented the will of the people of the United States in rejecting them. But if any Senate, either because of putting party above public good, or because of its provincialism, or because of its mistrust of the new world democracy, thinks it can forever hold back human progress from the world unity everywhere appearing, it is simply deluding itself. Already the Senate is twenty-five years behind the average intelligent man, and it cannot go on thus forever. We may have to come to election of the Senate by the people.

But though we lost the treaties we gained much. The people have had arbitration served up to them every morning for a year in their morning paper. Peace treaties have been discussed in schools and colleges everywhere. The Citizens' National Committee distributed tons of literature on the subject. The President of the United States went up and down the country lecturing on unlimited arbitration. Best of all, practically every Protestant pulpit in the country preached arbitration some time during the year. Now, all our practices are the outcome of thought habits. The people who are always thinking war, turn to war when the crisis comes. The people who are thinking arbitration, turn naturally to that when the dispute must be settled. This last year has marked the greatest step toward that new thought habit of any previous year. Though we lost the treaties we have gained a new education of the people. We have also gained a new



awakening of the churches. The interest in the whole peace movement has become intense and real with them. New leaders are arising, and every minister I have met is showing a new interest. It is seen that righteousness and peace must kiss each other, justice and mutual good will go hand in hand before the kingdom comes. This awakening of the churches is due immediately to this direct call to establish the compact of good will with England and France. But it is also due to the new social conscience of the church. The church has now come to see that there can be no double standard of ethics in the Kingdom of God. If it is wrong for man to steal from man, it is wrong for nation to steal from nation. If it is wrong for an Italian to steal a Turk's pocketbook, it is wrong for Italy to steal Turkey's land. Stealing is stealing, killing is killing, whether done by man or nations. And where killing is not done in self-defense, it is murder whether by man or nation. All this the church is everywhere seeing, and a new social conscience is being manifested in both industrial and international relationships. What is the eternal right in individual relations is right between nations.

Again there is coming over the church a new sense of the oneness of mankind. This is evident in the new church union, the passing of denominational walls, the decline of race prejudice in our great cities. It is now beginning to express itself in the consciousness of the kinship of all good men. At our great church congresses we ask not the nationality of our neighbor, but his ideals. Our fellow-countrymen are not those who are born next to us, but those who are working with us anywhere in God's world for the transmutation of humanity.

Because of this new and growing interest among the churches, the Federal Council of the Churches has just created a permanent Commission of Peace and Arbitration composed of prominent leaders from all the denominations, including some men who are here, and I am here to-night to announce to you that Mrs. Elmer Black has just launched it with a gift of \$5,000 with the hope that several other large gifts may be at once forthcoming, that it may immediately begin its work. (Applause.)

The things the Commission has immediately in view are: 1. Enroll all the ministers and interested laymen in the nation in a great Church Peace League—without money and without price. The pledge to be simply the expression of the desire to substitute peaceful methods for the methods of war. But we desire to have a list of all the names of the churches to be used in times of crisis so we can speak mightily and prevent our country from breaking faith with civilization as she has just done. Furthermore, we want to link this Church Peace League up with that of Germany and Great Britain.

2. In all possible ways interest the ministers and churches in



the peace movement, keeping them informed by speeches and literature, and getting the peace question put prominently on all conference programs of all denominations.

3. Send striking editorials and original articles to the 1,000 religious papers of the nation. As many of the leading editors are on committee of the Federal Council, they will print almost anything sent.

4. Secure frequent sermons from pastors all over the land, sending help for preparation for such sermons. The Commission secured several such sermons this fall on the treaties.

5. Arrange to bring prominent men of the church from Great Britain—men like Allen Baker, Dr. John Clifford, Bishop Boyd Carpenter, Dean Ede, Bishop of Hereford, and other prominent peace workers to lecture in the churches here, and for Americans to go to Britain, and for exchange of pulpits for special seasons.

6. Crystallize the sentiment of the churches on the Third Hague Conference with perhaps an attempt, as has been suggested, in co-operation with English and German pastors to bring several thousand ministers from all countries together before the Third Hague Conference. (Applause.)

THE CHAIRMAN: I have pleasure in presenting as the next speaker the Director of the Mississippi State Department of Archives and History, Dr. DUNBAR ROWLAND.

## THE PEACE MOVEMENT IN THE SOUTH

ADDRESS OF DR. DUNBAR ROWLAND

Though inaugurated beyond our boundaries, and not so many decades since, the peace movement, as set in motion by this body of thoughtful and careful thinkers, has made a strong appeal to the conscience of the people of the Southern States, largely because they have reached a point in their civilization when its aims and purposes impress their judgment and affect their patriotism in a newer and higher sense. Like all observers of new and untried methods they are impressed and affected by the assurance of definite fruits, and the marvelous growth of the movement has already convinced them of its ultimate triumph.

The leaders of the movement, fortunately, come from that class of men who hold the respect and confidence of the Southern people, and they are anxious to become partakers in that success which they are not only wise enough but shrewd enough to foresee. It is with both pride and confidence, then, that their representatives appear here today to join hands with those who have already accomplished so much for the advancement of peace among the nations of the world. We furthermore come with open minds and willing hands to do the work assigned us. Having then much of your inspiration we now need only your guid-



ance and instruction. You have aroused our conscience, convinced our judgment and, more than these, perhaps, as great as they are, have won our confidence, and we are ready and anxious to become a part of this great movement, knowing that we shall be beneficiaries of whatever fruits it may henceforth bear.

No one who thoughtfully and intelligently contemplates the needs of civilization to-day could but conclude that this great movement has for its ultimate aim and object the progress and happiness of all nations, therefore of all peoples, individually as well as collectively. With such motive and incentive it is endowed with vital breath and could no more die than universal law, but in some form or shape will ultimately triumph.

The opportunities for service are limitless, the reward immeasurable, that must come from any world movement for the betterment of human society. That this greatest among them will always find followers, supporters and upholders among all lovers of the ideal is as certain as the existence of divine law. And when I say the ideal, I do not mean something supernatural, but the best that can be secured under human limitations.

A sympathetic study of the history of the Southern people since its incipency will reveal the fact that even in their public life and affairs they have always possessed an aspiration for and appreciation of the ideal. They have been greatly strengthened in this characteristic by the teachings of Thomas Jefferson who has, perhaps, influenced them more than any other great national leader. It is sometimes humorously claimed in the South that in order to give it respectability the politicians make Mr. Jefferson the source from which they trace any political creed or faith they may find it convenient to hold. But humor aside, we do make a legitimate claim that in our growing advocacy of international mediation we have as a forerunner this great advocate of peace, who in his day and time sighted the truth even though through a glass darkly.

There are certain qualities of mind and temperament that, whether they have given the subject serious attention or not, place the Southern people among the peace advocates of the world, and at the risk of subjecting myself to the scriptural reproof of being not half but altogether scandalous I shall name as a few of these qualities, the highly religious temperament of the people, their large humanity, chivalrous spirit and open-handed generosity. And while these same characteristics and qualities may make good fighters of them they serve also to make them good peace lovers. We in the South have had our choice between peace and war and are in a position to appreciate the effects of both. Within the recollection of our old men we have had a war that impoverished and laid waste one of the fairest countries on the globe. Besides the appalling amount of human suffering, the economic loss in



men and property has but just recently ceased to be actually felt, and historians find it one of their most difficult problems to estimate the cost of the Civil War to this section not only from the standpoint of material progress and advancement, but from that of intellectual culture. This can be best determined, perhaps, by an estimate of the gains that have already come with its recuperation from the effects of war.

Of recent years the economic development of the Southern States has been rapid. From a purely agricultural people we have grown to be a great manufacturing section, which brings us into close and constant contact with the outside world, and our interests in contact with that of others. With the coming of commercial activity and the prosperity brought with it, a new era of good feeling has been ushered in, and a marked growth of the fraternal spirit is noticeable. But leaving out the higher appeal, the people have reached a point where the spirit of arbitration is the one best suited to their material welfare. They are just beginning to derive some blessings from peaceful pursuits and take comfort in the thought of being once more unhampered in their progress and advancement.

This material uplift in the South has been accompanied by a strong growth of the feeling of nationality. No one, I think, will deny that this was lost during the Civil War, a national tragedy that might have been averted had the spirit of conciliation and arbitration been as strong and wholesome as it is to-day. But however that may be, with peaceful pursuits we find the sectional spirit fast dying out, even among the participants in the strife that divided us, and sectional lines in the bad sense of the term largely being obliterated. With the fruits of fifty years of peace we are welded together in the more indissoluble bonds of faith and confidence, and the friction between us politically is less marked and bitter. We are again assuming our place in national affairs and if you do not keep your sentinels on guard every moment between now and next November we shall capture the White House.

Taking everything into consideration, then, I think I am safe in thinking and in saying that the outlook for the advocacy of the doctrine of international arbitration from a standpoint of both the material and ethical is as bright in the South as in any section of the country. We have the same forces to be employed in bringing it about as you have here. Our churches, our schools and colleges, our social organizations and political bodies are in line of march with you. Our press is, perhaps, for the fact that it is more rural and closer to the people, more potent than yours, and its best thought is in unison with the spirit of mediation.

With such forces at our command surely we can join hands with you in this great world movement for the betterment of

mankind. During the initiative years our labors may not bear the "first fruits," nor become the acceptable offering, but we should not become impatient, knowing that we are not engaged in the work of a day, nor even of a generation—and it may be several before it has accomplished its final purpose. However, if we march face forward, never losing faith that though we fail to-day we shall triumph to-morrow, we are sure to clear some path over which those who come after us may pass in safety. This can only be attained by individual service sincerely performed, and this is the service that each of us must learn to give. (Applause.)

THE CHAIRMAN: We will now have the pleasure of hearing from CHARLES HENRY BUTLER, Esq., of Washington, Reporter of the Supreme Court of the United States.

## THE RELATIONS OF CONGRESS TO GENERAL ARBITRATION

### REMARKS OF MR. CHARLES HENRY BUTLER

I have but a short message to-night, but after one of the addresses to which we have listened this evening, I cannot stand on this platform and by my silence even admit that our country has broken faith with any one. A treaty cannot be broken until it is made. We are talking to-day from one end of this country to the other about the sanctity of the Constitution, and the Constitution says the treaty-making power of this country is vested in the President and the Senate. There is, therefore, no treaty to break until it has been ratified. I agree with a great deal that has been said in the earlier sessions of this Conference. I, too, was disappointed that the treaties were not ratified with less amendment; I, however, agree with my friend, Mr. Marburg, that those treaties, even in their ratified form, are still a step forward.

I think in the peace movement we can go on step by step, and if we do so, and each step is a forward one, sooner or later we shall reach the goal. The United States, however, does not break faith with any one, and until a treaty has been made and an arbitration under it has been refused, no faith has been, or can be, broken—at least, in my opinion.

What I had intended to speak about to-night was prompted by receiving in the mail this morning a copy of a decision of the Supreme Court of the United States rendered last Monday (May 13)—a nice one—sizzling hot from the judicial gridiron, so to speak—and which brought to my mind a proposition which has been raised more than once, and which I think might be another step forward in the cause of arbitration. At present there seems to be an idea in this country that the only way of submitting any



question to arbitration is by a regular treaty made by the Executive, submitted to the Senate, and ratified by the necessary two-thirds majority of that body. Now this two-thirds question is a very serious one. It is generally easier to obtain a majority than two-thirds, and often it is easier to obtain a majority of a large body than it is to obtain two-thirds of a smaller one.

We have in the United States a system of courts, and when there has been a violation of a law of the United States, the President of the United States, under constitutional authority, can present that case at once to the courts. We have also in this country, or if not in the country itself, we have as a part of its judicial system, in my opinion, a court which was created in 1899 by the First, and recreated in 1907 by the Second, Peace Conference at The Hague; created, as the charters of its existence expressly state, "with the object of facilitating an immediate"—note the word—"an immediate recourse to arbitration for international differences which it has not been possible to settle by diplomacy." It was for this purpose that the contracting powers undertook to maintain the Permanent Court of Arbitration, as established by the First and Second Peace Conferences, accessible at all times, and operating, unless otherwise stipulated by the parties, in accordance with the rules of procedure inserted in the present convention. That Permanent Court, I believe, is as much a court of the United States as any other court in our judicial system; and I believe—and I want my friend, Mr. Bates, member of Congress for Pennsylvania, to listen to this proposition, as I am directing it somewhat to him, or at him, because, as you know, Mr. Bates comes from a district where Presidents may come and Presidents may go, but Bates goes on forever—and we hope that condition of affairs will continue—I believe that Congress, under its power as the governing body of this nation, can authorize an Executive to submit to that tribunal at The Hague any question that arises with a foreign country within such limits as Congress will actually specify, so as to prevent the authority from being too general or to amount to a delegation of legislative power.

My reason for believing in this plan is this: While the treaty with a foreign power has to be ratified by the Senate, there has been more than one instance in which Congress has declared that within certain limits the Executive of this country can make compacts and agreements with foreign nations as to the matters specified therein. The entire McKinley tariff hinged, when the question of its constitutionality reached the Supreme Court of the United States, on the sentence which gave to the Executive the power to make reciprocal tariff agreements with foreign nations under certain specified limits. It was contended that the bill was unconstitutional because there was a delegation of power to the



Executive, either to make a treaty or to legislate, either of which was beyond the power of Congress. That case was decided a number of years ago, and is reported as *Field v. Clark* in Vol. 143, *United States Reports*. The act was sustained, the court holding that as the limits were specified, there was no such delegation of power by Congress to the Executive as would vitiate the act.

Until a few days ago no agreement made under the authority of that act has come before the Supreme Court and been construed by that tribunal; but on Monday a case was decided in which the court unanimously held that, for the purposes involved in the action, one of the compacts made under the authority of that act was a valid exercise of power, and was an international compact made under the authority of the law-making power, and that as such it was to be recorded as a treaty. This opinion carries the weight of the entire court, and I believe that if Mr. Bates will introduce a bill and have it unanimously reported by the Committee on Foreign Affairs in his branch of Congress, the Senate will fall in line, and the great number of cases which come up between this country and foreign countries can be relegated to, and disposed of, by arbitration under Executive authority and without the necessity of separate treaties; I believe that the Senate would be willing within the specified limits of such an act that such cases should be so disposed of as a matter of course. I do not think the Senate of the United States is opposed to arbitration. I have talked with nearly every member of the Foreign Affairs Committee of that body, and have never heard any expression adverse to arbitration. The Senators have reposed in them a great power which they are bound to protect; the Constitution of the United States has placed that power in their hands, and they must carefully guard it. I believe the Foreign Affairs Committee of the Senate is a collection of the ablest lawyers on constitutional law that we have, and I believe that they have worked honestly and faithfully. To apply the sign which was put up in a saloon, "Don't shoot the pianist, he is doing the best he can!"—and so, I say, it is not best to condemn the Senate in a wholesale manner. Let us move forward, taking everything we can, and if we get a little more each step, finally we shall reach the goal; and every step forward can be helped by the influence of the Mohonk Conference. (Applause.)

THE CHAIRMAN: We have now come within measurable distance of the end of our Conference. It is the wish of each one of us, that voice should be given to our gratitude to our hosts and our appreciation of the impressive and inspiring deliberations of the past few days. For that purpose I have pleasure in recognizing the Superintendent of Public Instruction for the State of Pennsylvania, Dr. NATHAN C. SCHAEFFER.



Dr. NATHAN C. SCHAEFFER gracefully expressed the thanks of the invited members of the Conference to Mr. Albert K. Smiley, Mr. Daniel Smiley and the members of their families.

Mr. ALBERT K. SMILEY responded briefly, expressing his great satisfaction with the Conference and calling attention to the fact that his brother, Mr. Daniel Smiley, and his family shared his interest in the Conferences which, he declared, would surely continue in the years to come.

After the singing of "God be with you 'till we meet again," the Chairman declared the Conference adjourned without day.

## MEMBERS PRESENT AT THE EIGHTEENTH CONFERENCE.

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\* The asterisk following the name of a gentleman indicates that he was accompanied by his wife.

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## APPENDIX A

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### Correspondents of the Permanent Office of the Conference

(Because of limited hotel accommodations, it is impossible for Mr. Smiley to entertain as his guests at any one annual Conference more than approximately three hundred persons. While, therefore, comparatively few of the many hundred interested individuals who desire to co-operate in the work of the Conference can be invited in any given year, opportunity has been provided through the permanent Conference office, for their enrollment as "Correspondents." Such enrollment in no way precludes invitation to annual conferences. Those so enrolled receive, without charge, all publications of the Conference and other documents available for distribution, as well as occasional circulars of information from the Secretary. In return, "Correspondents" do such voluntary work in their respective communities as conditions permit.—Ed.)

List revised June 21, 1912. Arranged: 1, by states within the United States, cities alphabetical under each state, names alphabetical under each city or town; 2, by foreign countries, cities alphabetical under each country.

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## APPENDIX B

### The Alsop Case Between the United States and Chile

*Memorandum prepared by Hon. Thomas C. Dawson, late Resident Diplomatic Officer of the Department of State.*

(On October 11, 1911, Hon. Thomas C. Dawson, Resident Diplomatic Officer of the Department of State, wrote the Secretary of the Conference submitting a memorandum in reply to statements made by Hon. John Hicks in an address before the Conference of 1911. Mr. Dawson would have been one of the speakers at the 1912 Conference but for his death on May 1st. In view of the circumstances, it seems only just to include in this report the memorandum above mentioned.—ED.)

#### DEPARTMENT OF STATE

#### OFFICE OF THE RESIDENT DIPLOMATIC OFFICER

#### *Memorandum*

October 11, 1911.

Mr. Hicks' statements made in his address before the Lake Mohonk Conference on International Arbitration May 24, 1911, are singularly inexact in so far as they refer to the Alsop case.

#### *Mr. Hicks said:*

"With one of these Republics a short time since a question arose over the collection of a private claim of doubtful value."

"American interests were only remotely involved because the claim originated with a corporation organized in the country having as one of its stockholders an American citizen."

"The authorities were ready and willing to settle for an amount that had been legally determined by the courts."

#### *The facts are:*

The British King awarded the claimants \$905,000 on July 5, 1911. (King's Award, p. 32.)

The U. S. Government had offered to accept \$1,000,000. (Sec. Knox to Chilean Minister Nov. 17, 1909.)

The claimant was a firm or partnership—not a corporation. All its members were American citizens. (King's Award, pp. 5 and 9.)

No determination of the amount was ever made by the Chilean courts. The Chilean Congress and Executive arbitrarily fixed the amount at \$215,000 and offered that sum to the claimants.

(Mr. Hicks' despatch to Sec. Knox, Nov. 11, 1907. Mr. Janes' despatch to Sec. Knox, August, 1907. Pages 110 and 111, Vol. 1, Appendix, Case of the United States.)



"but the heirs of the deceased American demanded more." Although the authorities offered to take the question to The Hague Tribunal for an amicable adjustment, the proposition was refused by the American government."

"which immediately issued its ultimatum: 'Unless the claim is settled within ten days, the American Minister will be withdrawn and all diplomatic intercourse suspended.'"

"but the authorities would not be intimidated and politely held their ground."

"They refused to pay the claim and again suggested that the question be submitted to arbitration."

"At the same time Chile cabled its Minister at Washington to hold himself in readiness to demand his passports, and steps were taken to mobilize their little army and navy."

The United States submitted a draft protocol on September 17, 1909, providing for the arbitration of the case on its merits by The Hague Tribunal. Chile responded, submitting a protocol so framed that the arbitrator would have been obliged to throw the case out of court on a technicality, to-wit, that the firm had registered in Chile. The Chilean Minister of Foreign Affairs ceded this point, the American Minister ceded others, and a compromise protocol was thereupon agreed upon by them, but was subsequently rejected by the Chilean Cabinet.

The words used were: "If the Legation is closed it will be because of its virtual uselessness for the present, and will not mean, on the part of the United States, the severance of relations involving the withdrawal of the Chilean Legation at Washington, nor was the action of the United States in setting a reasonable time limit to these negotiations in any respect an ultimatum in the strict diplomatic sense." (Sec. Knox to Chargé Pierrepont, Nov. 24, 1909.)

The United States government urged Chile to do one of two things: Either to sign the protocol providing for an arbitration of the case on its merits (which had already been formulated and agreed upon jointly by the Minister of Foreign Affairs for Chile and the American Minister, but which had been rejected at the last moment by the Cabinet), or to pay \$1,000,000.

What Chile did was to consent to submit to the King of England the whole controversy as to the amount equitably due the claimants. This was in effect only substituting the latter for The Hague Tribunal, originally proposed by the United States.

There is no foundation for the latter part of this statement.

"As a consequence, the Department of State was compelled to back down. It accepted arbitration and withdrew its Minister to another field."

August 31, 1909, the American Minister was appointed to another post and at once notified the Chilean government of the necessity of his departure within a short time. Immediately after the Chilean Cabinet had rejected the compromise protocol for arbitration agreed upon between the American Minister and the Minister of Foreign Affairs of Chile, the former left for his new post, the Secretary of Legation remaining in charge. The day of the Minister's departure was November 17, 1909, and it was after this date when the so-called "ultimatum" was presented, and the protocol for arbitration by the King of England signed (i. e., December 1, 1909).



## APPENDIX C

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### The General Arbitration Treaties of 1911 Between the United States and Great Britain and France

(On August 3, 1911, arbitration treaties between the United States and Great Britain and between the United States and France were signed at Washington. On August 4, 1911, President Taft transmitted them to the Senate. In the same month the Senate Committee on Foreign Relations presented a majority report recommending that they be amended by striking out the last paragraph of Article III and making a slight verbal change in Article I. Minority reports and views were filed opposing the elimination of the paragraph in question. On March 7, 1912 (legislative day, March 5, 1912), the Senate ratified the treaties with these amendments and with a further provision in the resolution of ratification. Following is a copy of the text of the British treaty, reprinted from Senate Document, No. 476, 62d Congress, 2d Session. The French treaty was practically identical except as to preamble, names and signatures. The parts inclosed in heavy brackets were struck out by the Senate, which added the parts in italics.—Ed.)

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being equally desirous of perpetuating the peace, which has happily existed between the two nations, as established in 1814 by the Treaty of Ghent, and has never since been interrupted by an appeal to arms, and which has been confirmed and strengthened in recent years by a number of treaties whereby pending controversies have been adjusted by agreement or settled by arbitration or otherwise provided for; so that now for the first time there are no important questions of difference outstanding between them, and being resolved that no future differences shall be a cause of hostilities between them or interrupt their good relations and friendship;

The High Contracting Parties have, therefore, determined, in furtherance of these ends, to conclude a treaty extending the scope and obligations of the policy of arbitration adopted in their present arbitration treaty of April 4, 1908, so as to exclude certain exceptions contained in that treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy, and for that purpose they have appointed as their respective Plenipotentiaries:

The President of the United States of America, the Honorable Philander C. Knox, Secretary of State of the United States; and His Britannic Majesty, the Right Honorable James Bryce, O. M., his Ambassador Extraordinary and Plenipotentiary at Washington;

Who, having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

#### ARTICLE I.

All differences hereafter arising between the High Contracting Parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the High Contracting Parties are concerned



by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other arbitral tribunal, as *shall* [may] be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

The provisions of Articles 37 to 90, inclusive, of the Convention for the Pacific Settlement of International Disputes concluded at the Second Peace Conference at The Hague on the 18th October, 1907, so far as applicable, and unless they are inconsistent with or modified by the provisions of the special agreement to be concluded in each case, and excepting Articles 53 and 54 of such Convention, shall govern the arbitration proceedings to be taken under this Treaty.

The special agreement in each case shall be made on the part of the United States by the President of the United States, by and with the advice and consent of the Senate thereof, His Majesty's Government reserving the right before concluding a special agreement in any matter affecting the interests of a self-governing dominion of the British Empire to obtain the concurrence therein of the government of that dominion.

Such agreements shall be binding when confirmed by the two Governments by an exchange of notes.

#### ARTICLE II.

The High Contracting Parties further agree to institute as occasion arises, and as hereinafter provided, a Joint High Commission of Inquiry to which, upon the request of either Party, shall be referred for impartial and conscientious investigation any controversy between the Parties within the scope of Article I, before such controversy has been submitted to arbitration, and also any other controversy hereafter arising between them even if they are not agreed that it falls within the scope of Article I; provided, however, that such reference may be postponed until the expiration of one year after the date of the formal request therefor, in order to afford an opportunity for diplomatic discussion and adjustment of the questions in controversy, if either Party desires such postponement.

Whenever a question or matter of difference is referred to the Joint High Commission of Inquiry, as herein provided, each of the High Contracting Parties shall designate three of its nationals to act as members of the Commission of Inquiry for the purposes of such reference; or the Commission may be otherwise constituted in any particular case by the terms of reference, the membership of the Commission and the terms of reference to be determined in each case by an exchange of notes.

The provisions of Articles 9 to 36, inclusive, of the Convention for the Pacific Settlement of International Disputes concluded at The Hague on the 18th October, 1907, so far as applicable and unless they are inconsistent with the provisions of this Treaty, or are modified by the terms of reference agreed upon in any particular case, shall govern the organization and procedure of the Commission.

#### ARTICLE III.

The Joint High Commission of Inquiry, instituted in each case as provided for in Article II, is authorized to examine into and report upon the particular questions or matters referred to it, for the purpose of



facilitating the solution of disputes by elucidating the facts, and to define the issues presented by such questions, and also to include in its report such recommendations and conclusions as may be appropriate.

The reports of the Commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or on the law and shall in no way have the character of an arbitral award.

[It is further agreed, however, that in cases in which the Parties disagree as to whether or not a difference is subject to arbitration under Article I of this Treaty, that question shall be submitted to the Joint High Commission of Inquiry; and if all or all but one of the members of the Commission agree and report that such difference is within the scope of Article I, it shall be referred to arbitration in accordance with the provisions of this Treaty.]

#### ARTICLE IV.

The Commission shall have power to administer oaths to witnesses and take evidence on oath whenever deemed necessary in any proceeding, or inquiry, or matter within its jurisdiction under this Treaty; and the High Contracting Parties agree to adopt such legislation as may be appropriate and necessary to give the Commission the powers above mentioned, and to provide for the issue of subpoenas and for compelling the attendance of witnesses in the proceedings before the Commission.

On the inquiry both sides must be heard, and each Party is entitled to appoint an Agent, whose duty it shall be to represent his Government before the Commission and to present to the Commission, either personally or through counsel retained for that purpose, such evidence and arguments as he may deem necessary and appropriate for the information of the Commission.

#### ARTICLE V.

The Commission shall meet whenever called upon to make an examination and report under the terms of this Treaty, and the Commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction of the two Governments. Each Commissioner, upon the first joint meeting of the Commission after his appointment, shall, before proceeding with the work of the Commission, make and subscribe a solemn declaration in writing that he will faithfully and impartially perform the duties imposed upon him under this Treaty, and such declaration shall be entered on the records of the proceedings of the Commission.

The United States and British sections of the Commission may each appoint a secretary, and these shall act as joint secretaries of the Commission at its joint sessions, and the Commission may employ experts and clerical assistants from time to time as it may deem advisable. The salaries and personal expenses of the Commission and of the agents and counsel and of the secretaries shall be paid by their respective Governments and all reasonable and necessary joint expenses of the Commission incurred by it shall be paid in equal moieties by the High Contracting Parties.

#### ARTICLE VI.

This Treaty shall supersede the Arbitration Treaty concluded between the High Contracting Parties on April 4, 1908, but all agreements, awards, and proceedings under that Treaty shall continue in force and effect and this Treaty shall not affect in any way the provisions of the Treaty of January 11, 1909, relating to questions arising between the United States and the Dominion of Canada.

## ARTICLE VII.

The present Treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible and the Treaty shall take effect on the date of the exchange of its ratifications. It shall thereafter remain in force continuously unless and until terminated by twenty-four months' written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this Treaty in duplicate and have hereunto affixed their seals.

Done at Washington the third day of August, in the year of our Lord one thousand nine hundred and eleven.

[SEAL.]

[SEAL.]

PHILANDER C. KNOX.

JAMES BRYCE.

*Provided, That the Senate advises and consents to the ratification of the said treaty with the understanding, to be made part of such ratification, that the treaty does not authorize the submission to arbitration of any question which affects the admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or monied obligation of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine, or other purely governmental policy.*



## APPENDIX D

### PRIZES FOR ESSAYS BY COLLEGE STUDENTS

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#### The Pugsley Prize Essay Contest

In 1908, Mr. Chester DeWitt Pugsley, then an undergraduate and now a post-graduate student in Harvard University, offered \$50 as a prize to be offered by the Lake Mohonk Conference for the best essay on international arbitration by an undergraduate student of an American college. The prize was won by L. B. Bobbitt, of Baltimore, a sophomore in Johns Hopkins University. The following year (1909-10) a similar prize of \$100 was won by George Knowles Gardner, of Worcester, Mass., a Harvard sophomore. A like prize of \$100 in 1910-11 was won by Harry Posner, of West Point, Miss., a senior in the Mississippi Agricultural and Mechanical College. The prize for 1911-12 went to John K. Starkweather, of Denver, Colo., a junior in Brown University. The number of essays submitted in each year have been as follows: 1908-9, 50; 1909-10, 75; 1910-11, 61, and 1911-12, when for the first time the contest was restricted to men students only, 51. Each winner has attended a Mohonk Conference to receive the prize. For an account of the presentation to Mr. Starkweather and of his response, see proceedings of the fifth session in this report. Mr. Starkweather's winning essay will be printed in pamphlet form, and can be obtained on application to the Secretary of the Conference.—Ed.

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#### THE FOURTH PUGSLEY PRIZE

Through the Lake Mohonk Conference, Mr. Chester DeWitt Pugsley will again offer a prize of \$100 for the best essay on "International Arbitration" by an undergraduate man student of any college or university in the United States or Canada. The contest will close probably on March 15, 1913. For full particulars address the Secretary of the Conference.

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#### THE BLACK PRIZE ESSAY CONTEST

In 1911 Mrs. Elmer E. Black, of New York, offered, through the Lake Mohonk Conference, two prizes—of \$200 and \$100—for the best essays on the subject of "International Peace," by undergraduate women students of any college or university in the United States. The first prize was won by Miss Eunice B. Peter, a senior in the Chicago Law School, and the second by Miss Katherine Warren, a sophomore in Simmons College, Boston. For an account of the contest and the awarding of the prizes, see the remarks of Dr. James Brown Scott in the proceedings of the fifth session in this report. The winning essays by Miss Peter and Miss Warren will be printed in pamphlet form, and can be obtained on application to the Secretary of the Conference.—Ed.

## THE BLACK PRIZES FOR 1912-13

Through the Lake Mohonk Conference, Mrs. Elmer E. Black, of New York, will again offer two prizes—a first prize of \$200 and a second prize of \$100—for the best essays on “International Peace” by undergraduate women students of any college or university in the United States. The contest will close probably on March 15, 1912. For full particulars address the Secretary of the Conference.



## APPENDIX E

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### Messages, Greetings, etc., From Other Bodies

The following messages were received during the conference, read and referred to the proper officers or committees:

From the British National Peace Conference:

British National Peace Conference sends friendly greetings.

From J. Allen Baker, M. P., of London, Chairman of the British Council of The Associated Councils of Churches in the British and German Empires for Fostering Friendly Relations between the Two Peoples:

Cordial greetings; British Churches Committee commend special consideration duty American, British, German churches unite for peace.

From Hon. Richard Bartholdt, M. C., President of the American Group of the Interparliamentary Union:

By direction of the Committee on Foreign Affairs, I was enabled to-day to report favorably to the House joint resolution requesting the President to instruct American delegates to next Hague and Pan-American Conferences in favor of universal treaties by which signatory powers will mutually recognize their national independence territorially and absolute sovereignty in domestic affairs. Expect to call up resolution Monday and our friends in Congress would appreciate its approval by the Mohonk Conference.

Letters of greeting received during or just before the conference were sent, on behalf of their respective organizations, by Carl Heath, Secretary of the British National Peace Council; W. Evans Darby, Hon. Secretary of the (English) Peace Society; Gilbert Bowles, Secretary of the American Peace Society of Japan; M. Emile Arnaud, of Luzarches, France, President of the "Ligue internationale de la Paix et de la Liberte;" and M. Jules L. Puech, of "le Bureau Européen de la Dotation Carnegie pour la Paix Internationale." Many other European societies were directly represented by speakers at the Conference.

Practically all the large peace and arbitration associations of the United States were represented. The Intercollegiate Peace Association, by special arrangement, held its national oratorical contest at Lake Mohonk on the afternoon of May 16th, and most of the members of the Conference were in attendance at this very interesting event.





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